... unites Ontario's municipalities

Report Series 1991

91-19

Implementation of the Land Use Planning for Housing Policy Statement: Issues and Recommendations

Association of Municipalities of Ontario
December 1991

MISSION STATEMENT

AMO unites Ontario's municipalities.

We take pride in promoting, supporting and enhancing strong and effective municipal government.

We provide strategic leadership by:

- developing and effectively promoting responsive quality policy;
- informing and educating governments, the media and the public;
- marketing innovative and beneficial services.

Our elected representatives, municipal officials and association staff form a team which values and respects:

- diversity and local autonomy;
- fairness and equity;
- consultation;
- consensus;
- co-operation.

TABLE OF CONTENTS

92-06689/

PAGE

EXECUTIVE SUMMARY E-1

1 Introduction 1
1.1 AMO's Response to A Housing Framework for Ontario 1
1.2 Purpose of AMO's Report on the Housing Policy Statement 2

2 Designation of Regional and Local Responsibilities 8

3 Supply of Land 9
3.1 Policy Statement Requirements 9
3.2 Municipal Concerns and Issues 9
3.2.1 Serviced Land 9

4 Streamlining 14
4.1 Policy Statement Requirements 14
4.2 Municipal Concerns and Issues 14
4.2.1 Municipal Governments 15
4.2.2 Provincial Government 16

5 Range of Housing 20
5.1 Policy Statement Requirements 20
5.2 Municipal Concerns and Issues 21
5.2.1 AMO's Key Position on the Provision of Opportunities for Affordable Housing 24
5.2.2 Authority to Ensure Affordability of Housing 25
5.2.3 Exclusion of accessory apartments, rooming, boarding and lodging houses 32

6 Intensification 33
6.1 Policy Statement Requirements 33
6.2 Municipal Concerns and Issues 34
6.2.1 Criteria for As-of-Right Housing Intensification 35
6.2.2 General Regulatory and Enforcement Issues 37

6.2.3 Financing Issues 44
6.2.4 Regulation of Rooming, Boarding and Lodging Houses ... 44
6.2.5 After Bill 128: Municipal Approaches to Regulation 46

7 Monitoring 48
7.1 Policy Statement Requirements 48
7.2 Municipal Concerns and Issues 49
7.2.1 Price of housing and incomes 49

8 Conclusions 50

9 Summary of Recommendations 52

Appendix A - Examples of Ontario Municipal Board Cases 56

Appendix B - Un-Related Persons By-Laws and Bill 128 56

Appendix C - After Bill 128: Municipal Approaches to Regulation 60

Appendix D - Acknowledgments 63

Endnotes 64

EXECUTIVE SUMMARY

In July 1989, the Provincial Government issued its Land Use Planning for Housing Policy Statement (Housing Policy Statement) under the authority of Section 3 of the *Planning Act, 1983*. The Housing Policy Statement imposes five kinds of requirements on municipalities. Each municipality is required to: ensure an adequate supply of serviced land for the future production of housing; improve the efficiency of the municipal development approval machinery ("streamlining"); ensure that at least 25% of new housing is "affordable" as defined in the Policy Statement; ensure that a full range of housing types is provided in achieving the affordable housing target; and, facilitate the process of residential intensification.

The Housing Policy Statement applies to all municipalities in the Province, however, 104 "priority" municipalities were compelled to put the requirements of the statement into place by August 1, 1991. For numerous reasons, municipalities did not meet the August 1, 1991 deadline.

AMO believes that utilizing punitive measures (legal and administrative options) to ensure implementation and compliance with the requirements of the Housing Policy Statement will not provide the opportunity to address municipal or provincial concerns about the implementation of the Statement. AMO therefore supports "revisiting" the Housing Policy Statement to comprehensively address the issues elaborated within this report.

Periodic Review of the Housing Policy Statement

AMO also believes that a process for the periodic review of the Housing Policy Statement should be instituted to ensure that it remain responsive to changing conditions and the experience of implementing the Statement.

Provincial Government Responsibilities

AMO makes several recommendations which call for the Provincial Government to address the impacts of its own policies and procedures on the planning and provision of affordable housing in Ontario. For example, municipalities are required to have regard to the policies set out in three adopted Planning Act Policy Statements (housing, floodplain planning, and mineral aggregate resources), one soon-to-be adopted on wetlands, and are also expected to adhere to the requirements of other policies of different ministries and agencies. However,

no provincial mechanism exists for the resolution of apparent conflicts been affordable housing and other provincial interests, or for determining relative priorities among different policies. AMO therefore calls on the Provincial Government to establish a provincial obligation, parallel to the obligation placed on municipalities, to resolve conflicting demands that may impair the housing approval process within the provincial bureaucracy.

Furthermore, while most "priority" municipalities have improved the streamlining of their planning and approval processes, the Provincial Government remains a major review and approval agency which is yet to adopt procedures for streamlining. AMO therefore recommends again that the Province accept a parallel obligation to streamline its review procedures. Towards achieving this, AMO recommends that specific deadlines be placed on the circulation of planning and development applications amongst provincial ministries.

Specific Recommendations

In proposing its specific recommendations on the Housing Policy Statement, AMO recognizes there is a great diversity of municipal housing circumstances in the province. AMO has therefore proposed some amendments which could be utilized at the discretion of individual municipalities. AMO addresses and makes recommendations towards resolving the following key areas of concern:

- Regional vs. local delegation of responsibilities.
- Supply of Land - infrastructure financing and decision-making issues.
- Streamlining - municipal and provincial approval processes.
- Range of Housing - what is/should be the objective of the Housing Policy Statement (opportunity for, vs. ensuring provision of, affordable housing); and, what mechanisms can be utilized to ensure delivery of affordable housing.
- Housing Intensification - financial and enforcement issues.
- Monitoring - information required to carry out evaluations.

Request for Provincial Government Response

AMO requests that the Provincial Government respond to the Association's report, *The Implementation of the Land Use Planning for Housing Policy Statement: Issues and Recommendations* by February 1992. This response would set out the Provincial Government's position on each of AMO's recommendations, and would form the basis for further discussion. Second, AMO recommends the establishment of a joint AMO, Ministry of Municipal Affairs and Ministry of Housing Committee to consider both the Ministries' and AMO's positions and develop potential solutions.

AMO has also requested that its member municipalities respond to the recommendations of this report as soon as possible and that their responses be sent to AMO and the Ministries of Housing and Municipal Affairs.

1 Introduction

Policy Statement Requirements

In July 1989, the Provincial Government adopted its Land Use Planning for Housing Policy Statement (Housing Policy Statement). The Housing Policy Statement was issued under the authority of Section 3 of the *Planning Act, 1983*.

The Housing Policy Statement imposes five kinds of requirements on municipalities. Each municipality is required to:

- Ensure an adequate supply of serviced land for the future production of housing;
- Improve the efficiency of the municipal development approval machinery ("streamlining");
- Ensure that at least 25% of new housing is "affordable" as defined in the Policy Statement;
- Ensure that a full range of housing types is provided in achieving the affordable housing target; and,
- Facilitate the process of residential intensification.

The Association responded to the Draft Housing Policy Statement in March 1989. This response is referred to throughout this report as "AMO's Draft Response." Many of the concerns and issues raised by AMO at that time continue to remain today.

1.1 AMO's Response to A Housing Framework for Ontario

In the Provincial Government's consultation paper, *A Housing Framework for Ontario*, the Ministry of Housing acknowledges that the planning system is an integral part of housing development. However, the consultation paper did not attempt to look at ways in which the planning system can be modified to achieve increased supply or affordability of housing. Rather, the paper states that the impacts of the Housing Policy Statement will be reviewed once local governments have had the chance to respond.

In AMO's response to the consultation paper, the Association agreed that an important part of the municipal role in housing is the implementation of the Housing Policy Statement. However, AMO stated that issues surrounding the Housing Policy Statement (which

is identified as having the potential to be a major vehicle for the provision of land and housing supply) require further analysis and discussion. For example, numerous impediments to the successful implementation of the Housing Policy Statement towards meeting the objective of providing affordable housing continue to persist and remain unaddressed. AMO, in its Draft Response, noted some of these: the lack of provincial commitment to provide adequate funding for the development of the municipal infrastructure necessary to achieve land supply goals; and the need to provide municipalities with the necessary legislative authority to meet affordability goals (e.g. cost and price through zoning and subdivision agreements; authority to zone for maximum lot and unit sizes; cash-in-lieu of affordable housing).

In its response to *A Housing Framework for Ontario*, AMO flagged these issues and requested that the Provincial Government acknowledge the integral place that the Housing Policy Statement has in achieving many of the goals set out in the consultation paper.

At AMO's meeting with the Ministers of Municipal Affairs and Housing in August 1991, the Association indicated that it would like to establish a formal process for provincial-municipal consultation on the Housing Policy Statement. AMO has prepared this review of the Housing Policy Statement towards initiating these discussions with the Provincial Government.

1.2 Purpose of AMO's Report on the Housing Policy Statement

August 1 Deadline for Priority Municipalities

The Housing Policy Statement applies to all municipalities in the Province, however, 104 "priority" municipalities were compelled to put the requirements of the statement into place by August 1, 1991.

Provincial Government Options to Address Implementation Problems

For numerous reasons, municipalities did not meet the August 1, 1991 deadline. The official response to this from the Minister of Municipal Affairs has been expressed as follows:

- "This government is committed to ensuring that municipalities plan for and facilitate the provision of housing for the different households and household incomes."

"The Province has a strong interest in affordable housing and until comprehensive land use plans and policies for housing are in place, the opportunity for affordable housing will be pursued on each application for my approval."[1]

Ministry staff have also suggested possible further responses to municipalities which have not met the implementation deadline: the Minister can resort to legal and administrative options to enforce compliance; or the Minister can revisit and perhaps re-open discussion of the Housing Policy Statement towards addressing municipal concerns and roadblocks. These two options are summarized below.[2]

Legal and Administrative Options

There are a broad range of tools which are available to the Provincial Government in order to achieve the provincial interest in housing. Under the *Planning Act, 1983*, the Minister of Municipal Affairs has a variety of powers which could be used to assist in the achievement of housing objectives in the more or less usual course of events.

- making modifications to official plans (s. 17 and 23)
- zoning orders (s. 46)
- the power to declare a matter of provincial interest
- the resumption of files from delegated authorities (s.4)
- withdrawal of delegated authorities (s. 4)

Existing administrative tools could also be utilized by the Minister such as the withholding of conditional grants which are given to municipalities by the Province.

Other, more positive, and perhaps conducive actions towards meeting housing objectives, have been identified.

Revisit the Housing Policy Statement

Ministry of Municipal Affairs staff have also suggested that the Policy Statement could be "revisited" and that this could include consideration of suggestions of those who want the Housing Policy Statement to achieve more. This could possibly involve the following:

- Respond to the efforts "of those who are trying to circumvent the directions set out in the Housing

Policy Statement." This might include the addition of provisions which set out more explicit criteria for approvals and deal with concepts such as "character" and "neighbourhood compatibility" in land use planning.

- Introducing legislative amendments is another. The report by Comay et. al. (*Legislative, Administrative, and Policy Mechanisms for Affordable Housing*) is identified as a starting point to look at mechanisms that might be used to achieve housing supply objectives. For example, housing agreements are noted as possible means of giving "enthusiastic" municipalities additional tools in order to achieve the objectives of the Housing Policy Statement.

AMO's Position

AMO believes that utilizing punitive measures (legal and administrative options) to ensure implementation and compliance with the requirements of the Housing Policy Statement will not provide the opportunity to address municipal or provincial concerns about the implementation of the statement. AMO therefore supports "revisiting" the Housing Policy Statement to comprehensively address the issues elaborated within this report.

In addition to the considerations that Ministry staff have pointed out above, revisiting the Housing Policy Statement is also necessary to address the uncertainty in the municipal sector about what actions the Province will take if municipal OPA's submitted to the Minister for approval do not comply with specific requirements of the statement. For example, would the Minister refer an OPA (which is judged by the Minister as not being in compliance with the requirements of the Housing Policy Statement) to the Ontario Municipal Board?

Secondly, AMO also believes that the new Provincial Government must clearly establish the place it believes the Housing Policy Statement has within its own stated affordable housing policy objectives and proposed "housing framework". The Minister has stated that "one of the Ontario Government's top priorities is ensuring that all residents of this province have a decent affordable place to live." What significance will be placed on the Housing Policy Statement in achieving this objective?

It has also been suggested by others that a formal process be instituted for the periodic review and adjustment of the Housing Policy Statement. The intent of this would be to ensure that the requirements remain responsive to changing conditions and to the experience in operating the statement. In general, AMO believes that all policy statements issued under Section 3 of the *Planning Act, 1983* should be subject to such periodic reviews. It is with this report that AMO hopes to initiate such a mechanism for review and alteration to the Housing Policy Statement.

Recommendation 1

AMO believes that the Housing Policy Statement should be revisited, in order to address the numerous concerns and issues confronting municipalities as they attempt to implement the requirements of the Statement. Furthermore, a process for the periodic review of the Housing Policy Statement should be instituted to ensure that it remain responsive to changing conditions and the actual experience of implementing the Statement.

This report sets out to enumerate these concerns and issues, and makes recommendations for their resolution.

Specific Issues to be Addressed in Revisiting the Housing Policy Statement

In proposing its recommendations on the Housing Policy Statement, AMO recognizes there is a great diversity of municipal housing circumstances in the province. AMO has therefore proposed some amendments which could be utilized at the discretion of individual municipalities.

AMO addresses and makes recommendations towards resolving the following key areas of concern:

- Regional vs. local delegation of responsibilities.
- Supply of Land - infrastructure financing and decision-making issues.
- Streamlining - municipal and provincial approval processes.
- Range of Housing - what is/should be the objective of the Housing Policy Statement

(opportunity for, vs. ensuring provision of, affordable housing); and, what mechanisms can be utilized to ensure delivery of affordable housing.

- Housing Intensification - financial and enforcement issues.

- Monitoring - information required to carry out evaluations.

Each of these issue areas is addressed in separate sections of this report.

AMO Request for Provincial Government Response and Process

In preparing this report, it is AMO's intention to ensure that the issues and recommendations are given full consideration by the Provincial Government.

AMO requests that the Provincial Government respond to the Association's report, *The Implementation of the Land Use Planning for Housing Policy Statement: Issues and Recommendations* by February 1992. This response would set out the Provincial Government's position on each of AMO's recommendations, and would form the basis for further discussion. Second, AMO recommends the establishment of a joint AMO, Ministry of Municipal Affairs and Ministry of Housing Committee to consider both the Ministries' and AMO's positions and develop potential solutions. AMO has also requested that its member municipalities respond to the recommendations of this report as soon as possible and that their responses be sent to AMO and the Ministries of Housing and Municipal Affairs.

Relationship to the Sewell Commission

The Commission on Planning and Development Reform in Ontario (Sewell Commission) was established by Order-in-Council on July 1, 1991 to make recommendations to the Government of Ontario on new planning legislation and policies. The Commission has stated that, amongst other things, it will be looking to define land use planning goals and broaden the traditional scope of planning to integrate other public concerns into land use considerations. There has been some concern expressed that, partly due to the breadth of the Commission's work, all land use policy issues will be put on hold and/or deferred to the Sewell Commission.

The experience of previous major planning reviews has demonstrated that these exercises can essentially put a freeze on development. Despite the Commission's prediction of a two-year mandate, the expectation is that it will be at least five or six years until anything tangible is implemented. AMO believes that all issues, including housekeeping issues, should not be deferred to this process.

Also, there has been no indication that the implementation of the Housing Policy Statement will be halted in light of the Sewell Commission. Municipalities remain obligated to implement the Statement, and the Provincial Government has a corresponding obligation to address implementation issues arising from its Policy Statement. AMO therefore believes that the issues and recommendations raised in this report should not be referred to the Sewell Commission. Furthermore, it can be argued that addressing implementation issues arising from the Housing Policy Statement can provide a practical example of the complexity of land use and housing issues under the consideration of the Sewell Commission.

Methodology: Primary Sources of Information

This report was prepared by AMO's Housing Task Force. Originally established in June 1991 to respond to two Provincial Government consultation papers (*A Housing Framework for Ontario*, and *Government Land for Housing*), the Task Force continued to meet through the Fall of 1991 to prepare this report. The Task Force reviewed information from the following main sources:

- In July and August, AMO conducted a survey of the 104 priority municipalities.
- AMO's response to the Draft Housing Policy Statement (referred to as AMO's Draft Response).
- Significant Ontario Municipal Board decisions since the adoption of the Housing Policy Statement.
- Reports prepared for the Ontario Ministry of Housing and Ministry of Municipal Affairs by Comay Planning Consultants et. al., *Legislative, Administrative, and Policy Mechanisms for Affordable Housing* (November 1990) (referred to as Comay et al in this document) and by Stanley

M. Makuch, Borden and Elliot, *Legal Issues in the Provision of Affordable Housing* (December 1990). These reports have been key sources and valuable research documents on the issues addressed in this report.

2 Designation of Regional and Local Responsibilities

The Housing Policy Statement places the same requirements on upper and lower tier governments. As a result, there is a sense that the Statement does not adequately distinguish between regional and local roles and responsibilities. As revealed in AMO's survey, in certain cases, a large duplication of work and confusion have resulted which are costly and have contributed, in some cases, to regional-local tensions.

AMO stated its concerns about this in its Draft Response. These ambiguities respecting the nature of the regional interest and involvement in affordable housing need to be clarified for the Housing Policy Statement to operate efficiently across the Province.

The specific responsibilities which require clarification are addressed in the following sections. In summary they are: designation of a 10-year supply of land; and, meeting the 25% affordable housing goal.

Recommendation 2

The Ministry of Municipal Affairs should work jointly with AMO to designate within the Housing Policy Statement the appropriate regional and local responsibilities and involvement in affordable housing.

3 Supply of Land

3.1 Policy Statement Requirements

The Housing Policy Statement places the following requirements on municipalities:

All municipalities must maintain a supply of land or future residential use. This is to be achieved in the following ways:

Ten Year Supply of Land for Residential Use	**Designating sufficient lands for residential use in official plans, so that a least a ten-year supply of residential land is maintained at <u>all</u> times;**
Servicing Policies for Land for Residential Use	**Incorporating servicing policies in the official plan to identify how growth on the lands designated for residential use will be accommodated;**
Three-Year Supply of Draft Approved Lands	**Maintaining at least a continuous three-year supply of a combination of draft approved and/or registered lots and blocks on plans of subdivision in new residential development.**

3.2 Municipal Concerns and Issues

3.2.1 Serviced Land

Introduction

The issues in this section address questions of both financing of and decision-making for, servicing and infrastructure requirements. The main point of this section is that the supply of affordable housing is constrained by the availability of the necessary physical infrastructure. This availability is restricted by limited financial resources and also by physical and environmental factors.

Provincial Fiscal Support for Provision of Serviced Lands

In response to AMO's survey, many municipalities noted the need for provincial support for maintaining a 10-year supply of serviced lands and a 3-year supply of draft approved/registered lots.

In AMO's Draft Response, the Association noted that the Housing Policy Statement requires long term municipal planning commitments for servicing residential growth, but it does not indicate the level of detail of this planning nor does it indicate a provincial commitment to funding programs to assure the feasibility of these plans. Consequently, AMO recommended that the provincial

commitment to an interest in housing be coupled with a provincial commitment to adequate funding for the development of municipal infrastructure.

Impact of Development Charges on Infrastructure Financing

Some municipalities have expressed concern that the future of provincial funding for sewer and water facilities is questionable in light of the *Development Charges Act*. AMO had expressed concern in its Draft Response that if 100% of growth related capital costs of all services (hard and soft) would have to be recovered by development charges, then:

a) capital grants for infrastructure would be eroded; and,

b) if funding comes directly and entirely from development charges then this may escalate housing prices enough to reduce the rate of housing production. Development charges are ultimately passed onto the consumer; therefore, we must question how much and can the consumer bear and how can housing units remain affordable?

Relationship to Financial Disentanglement Process

Discussions regarding provincial and municipal responsibilities are currently underway between the Province and municipalities. The *Report of the Advisory Committee to the Minister of Municipal Affairs on the Provincial-Municipal Financial Relationship* (Hopcroft Report) has served as the starting point of these broader discussions and has lead to the establishment of a 12-member provincial-municipal steering committee to oversee the process of consultation and further analysis of provincial and municipal roles and responsibilities.

Broadly, the principle of disentanglement is that there should be a comprehensive re-organization of the provincial-municipal government partnership based upon a set of rational decision criteria or philosophical principles to ensure that all services are managed, financed and delivered by the most appropriate level of government.

It must be recognized that infrastructure financing is one area under the review of the disentanglement process. In recognition that it may be some time before the full results of the disentanglement process are implemented, AMO has recommended that all decisions which have an impact on municipalities and/or

provincial-municipal cost-sharing be linked to the disentanglement process.

Hopcroft Report - Recommendations on Financing of Infrastructure

The Hopcroft Report noted the pressures that municipal governments experience in meeting infrastructure needs. Spending requirements over the next ten years are almost evenly split between the rehabilitation of existing infrastructure and the provision of new infrastructure to accommodate growth. The Hopcroft Report concluded that it is clear that in order to adequately meet their infrastructure needs, municipalities will have to be afforded greater flexibility in using financing tools.

It is argued that traditional methods of funding infrastructure are no longer sufficient and that a concerted effort must be made to develop new ways of funding infrastructure. A major hindrance to municipalities is the restrictive nature of the *Municipal Act* as it limits municipalities' ability to engage in creative solutions.

The Hopcroft Report recommends, for example, providing municipalities with the flexibility to enter into innovative asset management arrangements and public/private sector co-ventures. This would assist municipalities in dealing with increased public demand for infrastructure improvements in areas such as: transportation; water and sanitary sewer facilities; police and fire stations; and for cultural, recreational and educational facilities.

At the Association's September 25, 1991 meeting with Provincial Cabinet, Premier Bob Rae agreed that Ontario's infrastructure needs cannot be allowed to continue to deteriorate and accepted AMO's suggestion that a joint committee be formed of Treasury, Municipal Affairs and AMO representatives to develop enabling legislation to allow for innovative approaches to infrastructure financing.

In addition to providing municipalities with innovative financing tools, AMO believes that the provincial interest in ensuring long term municipal planning commitments for servicing residential growth should be coupled with a provincial commitment to adequate funding for the development of the necessary municipal infrastructure.

Recommendation 3

AMO recommends that infrastructure financing issues arising from the Housing Policy Statement (the need for innovative municipal financing tools and provincial commitment to funding infrastructure requirements) be referred to the joint committee on infrastructure of the Ministries of Treasury, Municipal Affairs, and AMO.

Rural and Unserviced Areas

Rural and unserviced areas face particular difficulty in meeting serviced land requirements of the Housing Policy Statement. In addition to concerns about servicing costs, there are also concerns about the long-term impacts on environmental quality. Many rural areas rely on septic systems for wastewater disposal. The groundwater which ultimately receives the waste has an assimilative limit, especially if this groundwater is the drinking water source for others. Nitrates build up in the groundwater, making it unfit for drinking. This has become a problem in wells in the Caledon area, for example, and in Grey County, where more and more "estate lots" are putting pressure on the groundwater resource. Thus environmental concerns effectively set a limit on development unless much more expensive regional collection and treatment schemes are contemplated.[3]

Existing land use policies in rural and unserviced areas set densities which are considered safe for ground water and sewage disposal. Any increase in density, for example, from a single family dwelling unit to a duplex, requires a rezoning (in some cases). This gives the Ministry of the Environment an opportunity to review the application and make known any concerns as to the suitability of the well and septic system to accommodate an additional unit.

In some rural and unserviced areas, the density of development is decided by a hydrogeology study and terrain analysis which must be done before any development receives draft approval. If the municipality is to predesignate land for development and the density of that development, it is necessary to first have the appropriate studies done for all non-agricultural land. The cost of this is usually beyond the resources of a rural municipality.

Many municipalities believe it is necessary that all Ministries cooperate to ensure that development in unserviced areas is environmentally sensitive. Also, many municipalities believe that the Ministry of the Environment has not shown leadership in addressing septic tank issues nor has it developed possible alternatives.

Recommendation 4

Under the lead of the Ministry of Municipal Affairs, the Ministry of the Environment, Ministry of Municipal Affairs, and Ministry of Housing should cooperate in dealing with, and providing solutions for, the environmental constraints confronting the development of affordable housing in rural and unserviced areas. The objective should be to modify the Housing Policy Statement to address the unique problems and concerns of these areas.

Regional vs. Local Responsibility for Supply of Land

As noted in section 2, the Housing Policy Statement places the same requirements on upper and lower tier governments. With respect to infrastructure issues the concerns are as follows:

- Some lower tier municipalities have commented that the ability to ensure the 10 year/3 year supply of land/registered lots is more meaningful at the regional level.

- Some lower tier municipalities have questioned regional government interpretations of what a 10 year supply is (based on assigned share of regional growth vs. growth trends).

- Some lower tier municipalities have no problem designating land, however, since servicing is provided by the upper tier, it may be difficult to maintain this supply. Also, some face regional governments not approving new residential plans of subdivision due to the lack of water supply.

Recommendation 5

AMO recommends that the Housing Policy Statement be amended to specify that the 10 year supply policy may apply regionally (or on an upper tier basis) as opposed to on a municipality by municipality basis.

A joint provincial-municipal process for reviewing this was recommended in section 2.

4 Streamlining

4.1 Policy Statement Requirements

The Housing Policy Statement places the following requirements on municipalities:

All municipalities must reduce the time to process residential applications, to the greatest extent practical by:

Guidelines

Adopt a guideline outlining time frames and procedures at each stage of the approval process.

Official Plan Policies

Incorporate a policy in the official plan to indicate count commitment to adhere to the procedural guidelines and include time frames, identified in the procedural guidelines, for each stage of the approval process.

4.2 Municipal Concerns and Issues

Background: Streamlining Task Force

Representatives of the Association of Municipalities of Ontario, the Urban Development Institute, the Ontario Home Builders Association, and Ministries of Housing and Municipal Affairs worked together to prepare a report, *The Planning and Development Approvals Process: Towards a More Effective Planning System* (February 1989). AMO supported the report in principle, and made some recommendations for changes.

After the release of the report, the Provincial Government worked on the committee's recommendations and the preparation of a final set of guidelines. In November 1990, following the election of the new Provincial Government, the report on a final set of guidelines was completed (*Towards a More Efficient Planning Process*), however it was never publicly

released. The new Provincial Government has never publicly taken a position on these guidelines.

Despite the lack of formal guidelines, municipalities have made considerable progress towards removing bottlenecks in the municipal planning approval process. AMO's survey revealed that most municipalities have improved the efficiency of their approval processes.

Apparently, the Province has continued to study "streamlining guidelines", but with the creation of the Sewell Commission, which will be addressing the entire planning process and set of legislation governing planning in the Province, it is expected that no further provincial action will be forthcoming.

The Sewell Commission has also indicated that it will be making recommendations for a planning system which must be effective, efficient, open, timely and accountable, and that approval processes at all levels of government will be examined. For example, it will be looking at issues such as reducing the number of "gatekeepers" in the planning process. (For example, OPA's going directly to the Ontario Municipal Board and not to the Ministry of Municipal Affairs; or re-zonings which are within a municipality's Official Plan needing no approval beyond the municipality).

As stated previously, AMO believes that implementation issues must be addressed, given that there has been no indication that the implementation of the Housing Policy Statement will be halted in light of the Sewell Commission. AMO therefore believes that the issues and recommendations regarding streamlining raised in this report should not be referred to the Sewell Commission.

AMO has selected what it believes are some key streamlining guidelines which should be acted on first and foremost; these represent a small subset of those actions contained in the draft guidelines document mentioned previously.

4.2.1 Municipal Governments

Delegation of Subdivision Approval

One guideline AMO continues to support is the complete delegation of OPA and subdivision approval

powers to remaining local municipalities within the region/county level (or to separated municipalities which are not part of regions or counties). In this way, regional or provincial interests should be capable of identification during the circulation process by the local municipality.

Additionally, where subdivision approval powers are presently delegated to regional/county councils, these powers should be either sub-delegated to officers and/or selected lower tier municipalities, where appropriate.

4.2.2 Provincial Government

The Housing Policy Statement represents the Province's declaration of provincial interest in the land use planning process as it impacts on the provision of affordable housing. One of it's requirements is that municipalities "streamline" their development approval processes, yet there is no corresponding obligation on the part of the Provincial Government to address the significant roadblocks to housing approval within the provincial bureaucracy. Therefore, it is municipalities which are required to bear the responsibility of addressing only one portion of the entire planning approval process.

Yet, many believe that addressing provincial roadblocks could potentially yield the most benefit (ie. faster housing approvals) with the lowest cost. The Housing Policy Statement is an invention of the Provincial Government, and therefore if any level of government should be addressing how its approval processes impact on the provision of affordable housing, it is the Provincial Government. This failure on the part of the Provincial Government to address its own approval processes is detrimental to, and stands in the way of, the achievement of the Housing Policy Statement's objectives.

The main concerns regarding the provincial approval process are described below.

Competing Provincial Interests

Municipalities are now required to have regard to the policies set out in three adopted Planning Act Policy Statements (affordable housing, floodplain planning, and

mineral aggregate resources), one soon-to-be adopted on wetlands, and are also expected to adhere to the requirements of other policies of different ministries and agencies (e.g. foodland guidelines, environment, conservation, transportation, etc.).

AMO expressed its concerns regarding competing provincial policies in its Draft Response, noting the need for cooperative provincial planning and interministerial coordination in order to address the roadblocks in the planning approvals process. Again, in response to the draft Wetlands Policy Statement AMO stated:

> The Provincial Government must establish a formal procedure for expressing provincial priorities with respect to conflicting or potentially conflicting statements, guidelines and any other vehicle for expressing provincial interest with respect to municipal planning. This procedure should provide a clear written statement of provincial priorities to municipalities in advance of their creation and/or review of official plans, zoning by-laws and other Planning Act tools.[4]

No provincial mechanism exists for the resolution of apparent conflicts between affordable housing and other provincial interests, or for determining relative priorities among different policies. It can be expected that continuing to depend on a case-by-case resolution of these perceived conflicts, rather than on a clear written statement of provincial priorities, will compromise the operation of the Housing Policy Statement among municipalities, and may serve to undermine municipal councils' housing initiatives, at least in some places.[3]

The question comes back to whether there is a provincial obligation, parallel to the obligation placed on municipalities, to resolve conflicting demands that may impair the operation of the Housing Policy Statement.

Recommendation 6

AMO calls on the Provincial Government to establish a provincial obligation, parallel to the obligation placed on municipalities, to resolve conflicting demands that may impair the housing approval process within the provincial bureaucracy.

The basic principle is to place an onus on the government to coordinate its conditions and requirements with respect to plans and development proposals involving affordable housing. Comay et. al. propose some mechanisms for addressing competing provincial interests which should be considered. AMO would like to address one basic improvement, and perhaps the most easy to implement - the establishment of fixed deadlines for provincial reviews.

Response Time

The considerable delays in the processing of applications within the provincial bureaucracy has an adverse affect on municipal ability to meet the Housing Policy Statement objectives. The overall handling of development applications runs counter to the definition of streamlining. In response to AMO's survey, many municipalities expressed concern about the time required for circulated agencies to respond to development applications (particularly provincial ministries). The Ministry of the Environment has been identified as a particular problem.

For example, the County of Oxford, has been waiting ten months for Ministry of the Environment approval of six of the municipality's OPA's. All are held up at the Ministry of the Environment.

> "Experience shows, however, that even when the Ministry does comment after receiving an OPA, additional studies may need to be conducted in order to resolve their concerns. This situation is often frustrating to the applicant, since they would have preferred to have known about those additional studies prior to the OPA being approved by the County of Oxford."[6]

As a second example, a City of London OPA took seven months to be processed by the Provincial Government. These delays have a significant negative impact on the amount, cost and timely delivery of housing.

The draft streamlining guidelines addressed these issues and recommended as follows:

- Screening the Application: Circulating/approval agency (local municipality, Region or the Province) should establish a time frame of 30 days for its review of the merits of the application and determine its completeness.

- Circulation to Review Agencies for Comments: If the application is complete, a time frame of no more than 90 days should be allocated to this stage of the process.

- Negotiation of Issues Unresolved During the Review: The approval agency should bring the proponent and review agency (or other objector) together to negotiate an acceptable compromise and should render a decision in a time frame of 60 days.

As discussed previously, in meeting the requirements of the Housing Policy Statement, most municipalities have addressed streamlining within their departments. However, the provincial government remains as a major review and approval agency which is yet to adopt procedures for streamlining.

Recommendation 7

AMO recommends that specific deadlines, as proposed in the draft streamlining guidelines, be placed on the circulation of development applications amongst provincial ministries. If resourcing is a problem, then it is the responsibility of the review or approval agency to ensure there is adequate staffing to meet these guidelines.

Pre-Hearing Conferences

AMO supported the recommendation in the draft streamlining guidelines to encourage greater use of Ontario Municipal Board pre-hearing conferences. These pre-conferences set the agenda for issues, facilitate information exchanges, provide for time estimates, etc. While a pre-conference may not always reduce the length of the process, it can result in stopping frivolous cases from going to a full hearing, and therefore avoid all cases going to the Board. For example, ratepayer objections which are frivolous can

hold up the process for six months. In addition, motions for direction can be valuable in focusing the scope of hearings where multiple objections exist.

Recommendation 8

AMO recommends that the Province support and encourage the use of OMB pre-conferences on a more regular basis.

Appeals to the OMB

At present, the appeal period to the Ontario Municipal Board for amendments to official plans is virtually open-ended. AMO supported the recommendation in the report, *The Planning and Development Approvals Process: Towards a More Effective Planning System*, that a 60 day period be provided as the timeframe for concerns or appeals to be registered by the public. This would eliminate the uncertainty of "last minute" appeals as well as shorten the overall process. The Minister should then also approve OPA's, refer them to the OMB, or advise the OMB of Provincial interest, within a 60 day time period.

Recommendation 9

AMO recommends a 60 day period be provided as the timeframe for concerns or appeals to be registered by the public to the OMB. Similarly, a 60 day period should also be provided for the Minister of Municipal Affairs to refer OPA's to the OMB, or advise the OMB of Provincial interest.

5 Range of Housing

5.1 Policy Statement Requirements

The Housing Policy Statement places the following requirements on municipalities:

All municipalities must establish appropriate planning policies and standards which will enable at least 25% of New Residential Units resulting from New Residential Development and Residential Intensification through conversion of non-residential structures, Infill and Redevelopment, to be Affordable Housing by identifying the

forms of housing which could be developed as Affordable Housing based on the analysis of incomes up to the 60th percentile in the Housing Region; the full range of housing needs for households within the lowest 60% of the income distribution for the Housing Region; a range of housing prices/rents to meet these needs; expected housing production costs and market prices/rents; the ability of the market to produce housing to meet the Affordable Housing definition; and the amount of government-assisted housing needed in the municipality, normally identified in a Municipal Housing Statement.

All municipalities must provide for a range of housing types, in New Residential Development and Residential Intensification by:

Designation of Lands

Within the official plan specifying, at least, appropriate residential uses and densities based on housing needs normally identified in Municipal Housing Statements; the forms of housing which could be produced by the market or with government assistance to meet these housing needs; and the forms and proportion of housing identified as Affordable Housing within the Policy Statement.

Official Plan Policies

Policies should be established so that the range of housing types, including the forms of housing identified as Affordable Housing is distributed throughout the municipality on lands designated for residential use, but is not necessarily included in every application for New Residential Development or Residential Intensification.

Implementation policies should be incorporated to assist in achieving the identified range of housing types.

Zoning

Lands should be zoned to accommodate the range of housing types identified in the official plan by establishing zones which permit the identified range of housing types; including zoning standards such as residential densities, minimum lot standards, etc. to permit development of the identified range of housing types, and by eliminating any zoning standards which serve to preclude uses permitted by the official plan; and where minimum unit size standards are provided, including standards which do not exceed those established in the Ontario Building Code for the protection of health and safety.

5.2 Municipal Concerns and Issues

What is the Objective of the Housing Policy Statement?

A key and fundamental issue that AMO believes needs to first be addressed is as follows: what is the objective of the Housing Policy Statement?

The objective, as stated in the Housing Policy Statement, is to "foster municipal land use planning practices which are responsive to housing needs throughout the Province" and "to contribute, along with other provincial initiatives, to the overall goal of providing a sufficient supply of a range of housing types which are accessible, affordable, adequate and

appropriate to the needs of the full range of households in Ontario."

AMO's Response to Draft Housing Policy Statement

In its Draft Response, AMO strongly supported the objectives of the Housing Policy Statement to increase the supply of affordable housing in Ontario which is adequate and appropriate to the needs of the households in Ontario. However, AMO originally recommended outright rejection of the Statement based on the position that the Housing Policy Statement would put municipalities under the burden of complex, expensive and detailed planning aimed at goals that are not achievable. AMO recommended that the Housing Policy Statement should be redrafted in coordination with other housing initiatives in such potential areas as: rent review, tax regulations, rental housing protection, the Landlord and Tenant Act, infrastructure funding, and non-profit housing programs. It was this sort of redrafting that municipalities were looking for when the consultation paper, *A Housing Framework for Ontario*, was released.

Notwithstanding AMO's original critique, and in anticipation of the Housing Policy Statement's approval by provincial cabinet, the Association made positive recommendations for improving the Housing Policy Statement towards actually achieving the objective of providing affordable housing. The rationale for this was that if municipalities were to expend the resources and conduct the necessary studies, then there should be mechanisms to ensure that these efforts actually result in the provision of affordable housing.

However, AMO noted that the municipal authority to effectively plan for affordable housing production is extremely limited. AMO argued that requiring municipalities to amend their official plans and zoning by-laws only addresses part of the regulatory environment and will not result in anything different than what is being produced already. AMO expressed concern that despite the best efforts of municipalities to provide the opportunity for the creation of affordable housing, with the limited planning tools available to them, there are no means to ensure that this housing is actually built or that if it is built it will go to those most in need. AMO therefore proposed substantial amendments to municipal planning and zoning authority towards ensuring the provision of affordable housing.

Many municipalities continue to support the position that they should have the power to ensure that affordable housing actually gets built and that it is actually delivered to targeted income groups at affordable costs.

Policy Statement Says "Opportunities"

The Housing Policy Statement states that "by establishing appropriate policies, regulations and approval procedures, municipalities and other planning jurisdictions can create the opportunity for a range of housing types to be built." However, as the following discussion will illustrate, there is inconsistency in Provincial interpretations of the objectives of the Housing Policy Statement and there is a lack of clarity as to where it fits within the overall Provincial Government housing policy.

Provincial Clarification Required

AMO believes the Province must clarify whether the provision of affordable housing is indeed a priority provincial interest. If affordable housing is a priority interest and objective, then actions should be taken to ensure that the implementation of the Housing Policy Statement can actually meet this objective. AMO's recommendations in this section are based on this assumption. Therefore, the primary purpose of this section is to identify and evaluate mechanisms to assist municipalities in meeting the objectives of the Housing Policy Statement, and to enable municipalities to achieve affordable housing targets.

Furthermore, across the province, provincial attitudes towards the issue of "opportunity vs. actual provision" are inconsistent. As stated above, the provincial position is that the purpose of the Housing Policy Statement is to ensure opportunity, but at the same time provincial officials in the field cooperate actively with municipalities in trying to work out agreements with developers to ensure actual delivery of affordable housing. Also, some municipalities hear two different interpretations from the same provincial field office. The provincial position is therefore inconsistent, and the signals from the Province are mixed.

Finally, as stated in the introduction, AMO also believes that this Provincial Government must clearly establish the place it believes the Housing Policy Statement has within its own stated affordable housing policy objectives and proposed "housing framework".

The Minister of Municipal Affairs has stated that "one of the Ontario Government's top priorities is ensuring that all residents of this province have a decent affordable place to live." What significance will be placed on the Housing Policy Statement in achieving this objective of ensuring Ontarians have an affordable place to live?

5.2.1 AMO's Key Position on the Provision of Opportunities for Affordable Housing

In proposing its recommendations on this requirement of the Housing Policy Statement, AMO recognizes that there is a great diversity of municipal housing circumstances in the province. Not only do housing conditions and need vary, but also the degree to which actual delivery of affordable housing is an objective. For many municipalities, the basic need is simply to ensure that opportunities for producing affordable housing are available (opportunity); for other municipalities the objective is to make certain that such housing is actually provided to targeted users at the stipulated 60th percentile income level (targeted delivery); and for some, there is a need as well to facilitate the production of lower-income housing to serve households well below this income norm (low-income housing on the ground).[7]

- **AMO agrees with the Provincial Government's goal of providing a sufficient supply of a range of housing types which are accessible, affordable, adequate and appropriate to the needs of the full range of households in Ontario.**

- **AMO believes that the Housing Policy Statement, if it is amended as discussed in this report, has the potential to be a major mechanism for the provision of land and affordable housing supply.**

- **AMO also continues to believe that if there is to be a Housing Policy Statement, then implementation should be permitted to go beyond providing "opportunities" for affordable housing. Therefore mechanisms should be adopted which would enable those municipalities wanting to do so, to ensure that affordable housing is actually provided.**

The following discussion is based on this premise of providing permissive authority for municipalities to ensure the provision of affordable housing.

5.2.2 Authority to Ensure Affordability of Housing

Arguments for Wanting to Ensure Provision of Affordable Housing

A central debate in the discussions and implementation of the Housing Policy Statement's affordability targets is whether the housing units are actually sold at an affordable price, sold to people who are truly in need of affordable housing or remain affordable over the long term. The perceived lack of legal authority for those municipalities that want to ensure the actual delivery of affordable housing presents a major issue.

To date, the Ministry of Housing's argument has been that there is "intrinsic" affordability in certain forms of housing. As expressed at Ontario Municipal Board hearings, the Province's interpretation of the application of the Housing Policy Statement is that dwellings be required to be "intrinsically" or "relatively" affordable; i.e. that they are "affordable" by virtue of the density (affecting land cost) and their size (affecting building cost). Thus small and dense units (typically townhouses and small apartments) are defined as being intrinsically affordable.

Density Bonusing and the Relaxing of Development Standards

In some cases, municipalities will utilize various incentives to achieve an affordable housing component in developments. For example, in addition to the use of the density bonusing provisions contained in Section 36 of the *Planning Act*, municipalities utilize other incentives such as the relaxing of development standards. Therefore, some municipalities want "safeguards" built into the planning system to ensure that the affordable housing is actually built. Particularly if local conflict is anticipated, then the ensurance that a project will actually result in the production of affordable housing is desired.

Secondly, there is a potential for developers to utilize the argument that the project is providing needed affordable housing with the expectation that this will be used as a criterion for approval of the development at the Ontario Municipal Board. However, there is concern that there is no intention of actually providing affordable housing, yet the potential exists that the affordable component will be a criterion in the approval of the project.

For example, in some jurisdictions, such as the City of Toronto, the private market cannot build

affordable housing due to high land values. To date, the only means of achieving affordable housing targets has been through density bonusing. There is concern that developers say they will build "low-end of the market price" housing if they can get much higher densities; however, there is no control over price and who gets this housing. Therefore, when bonusing is approved, there are no guarantees that units will be brought on stream at affordable prices.

"Affordable Housing" vs. "Good Planning"

Another concern is whether the Housing Policy Statement can effectively satisfy two sets of parallel goals -- housing and planning -- or whether it should be consciously directed toward the priority objective of affordable housing, within the context of "satisfactory" but not necessarily "good" planning.

Cases at the Ontario Municipal Board have been variable in judging whether or not, just because a project is affordable and meets a housing need, the Board will ignore planning principles. Many Ontario Municipal Board decisions come back to criteria of "good planning" rather than "affordable housing" as the deciding factors. However, some Board decisions bring into question whether planning principles are "compromised" in the name of affordable housing. In these cases it is doubly a concern as to whether the housing, once produced, will actually be affordable. Appendix A contains some examples of such Ontario Municipal Board cases.

Price and Occupancy Controls

AMO believes that the Province should enact legislation which would provide municipalities with the ability to ensure the delivery of affordable housing. To date, the Provincial Government's position on price and occupancy controls has varied. Formally, municipalities have been advised (in some instances at least) that the land use planning instruments in the *Planning Act* are not appropriate vehicles for establishing and maintaining the end-price of houses. In the field, in practice, provincial officials are frequently involved in helping municipalities to negotiate such agreements.

In the following paragraphs AMO looks at what legislative tools could be utilized to control price and occupancy.

Legislative Tools

The type of legislative authority which could be utilized can be summarized as follows: the authority to reserve sites for affordable and assisted housing; to secure the actual production of such housing; to establish user prices; to ensure income-related occupancy; and to ensure price maintenances, with concomitant authority to enforce the requisite agreements.[8]

Possible Mechanism to Exercise Price and Occupancy Controls: Affordable Housing Agreements (AHA)

Comay et. al. proposed Affordable Housing Agreements (AHA) as the best means of ensuring the provision of affordable housing. It is based on the expansion of a current tool already being used - the development agreement. The purpose would be to allow the utilization of the development agreement mechanism as a prime instrument for facilitating the delivery of affordable housing. The legislation would make it clear that municipalities are empowered to deal with such matters as price and rent, occupancy, tenure, and affordable housing delivery, in the agreement that is executed as a condition of development approval. Municipalities have expressed an interest in utilizing all or some of these "tools"; the AHA would allow for municipalities to select among these various controls. It would extend the authority to require such agreements to all matters requiring approvals or consents under the *Planning Act, 1983*, including rezoning, site plans, variances, subdivision plans, consents, condominium approval, and building permits.

Comay et. al. describe the benefits and disadvantages, and legal implications of this option. They conclude that the benefits are considerably greater than the disadvantages. In comparison to other options, the Affordable Housing Agreement is considered an "essential option" for achieving the actual provision of affordable housing. These agreements are seen to provide a single efficient mechanism that would allow municipalities to pursue their affordable housing interests in ways that are appropriate to their own circumstances.

Recommendation 10

AMO recommends that appropriate legislation be enacted to permit municipalities permissive authority to utilize Affordable Housing Agreements as one means for municipalities to deal with matters such as price and rent, occupancy, etc., to ensure the delivery of affordable housing.

Municipal Land Ownership

Another mechanism to ensure that affordable housing is built is through the public ownership of land.

There are two primary ways for municipalities to access land: land obtained through Affordable Housing Agreements; and surplus government lands.

Regarding the latter, AMO commented in both its response to *Government Land for Housing* and *A Housing Framework for Ontario*, that surplus government lands should be turned over to municipal or community land banks and disposed of in accordance with local and regional housing needs. The intent of a land trust should be to ensure the continued affordability of the land and permanent control of its use for housing.

AMO believes municipalities or community organizations are in the best position to do land banking since they have knowledge of those lands likely to be developed in the future.

For this to succeed, it is first necessary for the Province to determine a mechanism for deciding when lands are deemed to be surplus to the Provincial Government's needs. The recent announcement that the Province plans to further divest itself of assets makes this an even more pressing issue.

Recommendation 11

AMO recommends that municipal land trusts be explored as another possible mechanism to ensure the continued affordability of land and permanent control of its use for housing.

Definition of Affordability

The Housing Policy Statement defines affordable housing as:

> Housing which would have a market price or rent that would be Affordable to households of low and moderate income. Households of low and moderate income are defined as households within the lowest 60 percent of the income distribution for the Housing Region.

> Affordable means annual housing costs (gross rent, or mortgage principle and interest (amortized over 25 years and assuming a 25% down payment) and taxes) which do not exceed 30% of gross annual household income.

An example of the problems encountered when utilizing this definition and ensuring that affordable housing is actually provided, was evident in the case *Maple Manor Estates Inc. v. Township of North Dumfries et. al.* (OMB File M 890111). This case involved a proposed condominium project in the Village of Ayr where the developer indicated that the intended selling price of the units would qualify under the Housing Policy Statement's "affordable housing" definition. The case was therefore expedited and given an early hearing date. In his decision, Mr. Rosenberg argued that it "is inappropriate to consider condominium development as a form of low cost or subsidized housing". Furthermore, the decision states that in the consideration of the project's affordability, no recognition was given to associated monthly maintenance and condominium fees.

In response to this decision, counsel for the Ministry of Housing has stated that it is immaterial whether the form of tenure is condominium, freehold or rental and the only factor which should count is whether or not is can be sold or rented at or below the guideline. Secondly, the definition of affordable in the Housing Policy Statement does not refer to maintenance payments or condominium fees and therefore should not be considered in determining affordability.'

As a further concern, some municipalities have adopted their own definition of "affordable" to more accurately reflect local circumstances. For example, Ottawa-Carleton's definition has been proposed on the assumption that individuals who will occupy affordable housing will likely be first time home-buyers, who are currently tenants, and likely only to provide a 10% downpayment, rather than the 25% indicated in the Housing Policy Statement.

In sum, it is AMO's position that the existing definition should be reassessed and that there is a need to have variation in the definition of "affordable" across municipalities.

Recommendation 12

AMO recommends that the basis for establishing the definition of "affordable" housing needs to be revised in consultation with municipalities.

Distribution of Affordable Housing

The definitions of affordable housing targets (25%) and affordability standards (60th percentile) are identical for municipalities across housing market areas, without taking into account local variations in the distribution of housing needs, resources and opportunities for the provision of affordable housing. The issue is whether this results in inequitable provision within some municipalities to the benefit of others, and how to establish mechanisms which ensure that activities carried out under the Housing Policy Statement are responsive to variations in local needs, objectives and policy priorities.

Also at question is the potential role of upper-tier governments in facilitating an equitable distribution of affordable housing among local municipalities, within common housing market areas.

Regional Delegation

At issue is how to ensure that there is an equitable distribution of affordable housing within a regional framework that is responsive to local and regional housing needs and priorities.

In its Draft Response, AMO stated that planning for the total housing demand based on the jurisdiction of the upper tier level of municipal government should be sufficient to deal with the concern of planning for an equitable distribution of the broader growth in need for affordable housing outside local municipal boundaries. Therefore, AMO recommended that Municipal Housing Statements should be done on a regional basis.

Furthermore, as an example of regional delegation for housing, in response to the consultation paper, *A Housing Framework for Ontario*, AMO recommended that where requested, the Province should delegate program delivery responsibility (for all housing programs and including allocations), to upper tier municipalities where they exist. As part of this delegation, the Province should also establish delegation authority (ie. sub-delegation to local municipalities) for

delivery to municipalities within a clear policy statement which includes criteria for program delivery.

The benefits of this were noted to include:

- It would serve to target municipal policies to housing market needs and ensure that local policies are consistent with overall market conditions and the distribution of housing needs within the market area, as well as local variations in housing circumstances.

- It would assist in disentangling the provincial government from direct day-to-day supervision of local activities and would be consistent with the overall approach taken to the delegation of planning responsibilities.

The implementation of regional authority for ensuring the equitable distribution of affordable housing would require all or specified regional municipalities to set region-wide affordable and assisted housing targets and standards for application under the Housing Policy Statement. It would delegate to the regional municipalities responsibility for determining and securing local compliance with the provincial Housing Policy Statement and the regional Housing Statement. This would provide for suitable coordination and institute a formal mechanism and procedures for ensuring that local and regional policies are integrated, and that local policies and programs are carried out within the context of the overall housing market area.[10]

In an earlier section of this report, concerns were expressed about the servicing capacity of rural and unserviced areas to support affordable housing goals. Financing and environmental concerns were described as creating real impediments for municipalities required to meet the Housing Policy Statement's goal of 25% affordable housing. AMO's position on the affordable housing target has been that there is a need for flexibility and that housing need and the capacity of the land to support affordable housing should dictate the amount of affordable housing. The delegation to regional governments of the authority to determine the distribution of affordable housing would assist in allocating appropriate amounts of affordable housing in rural and unserviced areas.

Recommendation 13

AMO recommends that appropriate legislation be enacted for the delegation to regional governments of the authority to determine and enforce the equitable distribution of affordable housing within its jurisdiction.

5.2.3 Exclusion of accessory apartments, rooming, boarding and lodging houses

The Housing Policy Statement does not consider alterations to existing housing stock as part of the target for affordable housing. However, AMO believes that if these new units are being provided for, then they should be included as part of the target.

One of the original arguments for the exclusion of these units was that these forms of housing can be easily removed from the affordable housing stock. But there has been no attempt to ensure affordable housing units remain affordable either, and thereby these can also be easily "removed" from the affordable housing stock.

Another underlying argument is that allowing and facilitating accessory apartments is a required municipal obligation in itself, apart from the 25% affordable target. The intention is that though functionally related, each requirement in the Housing Policy Statement should be pursued in its own right and treated as an independent activity in assessing municipal compliance in "having regard" to the Housing Policy Statement objectives.[11]

It has also been argued that there is little basis for distinguishing between new affordable units produced through residential conversion and other types of new affordable housing produced through subdivision or redevelopment, or for treating accessory apartments as being a "different kind" of affordable housing, unsuitable for being credited against the municipality's 25% quota for affordable housing.[12]

Recommendation 14

AMO recommends that accessory apartments, and rooming, boarding and lodging houses be included as part of the target for affordable housing.

The monitoring and regulation of these units is another issue addressed in following section.

6 Intensification

6.1 Policy Statement Requirements

The Housing Policy Statement places the following requirements on municipalities:

All municipalities must identify opportunities to increase the supply of housing through better use of existing resources, buildings or serviced sites to meet changing demographic trends and housing demands, and adopt a strategy to make use of those opportunities, by:

Designation within the Official Plan

Areas should be designated within the official plan where each form of Residential Intensification will be permitted; These uses are to be permitted in areas which meet the following criteria:

- the physical potential of the existing building stock or previously developed sites can accommodate the identified forms of Residential Intensification;
- the existing services can support new households in the affected area; and,
- the potential demand for these forms of accommodation, based on the housing needs of the composition of households in the broader community, in relation to the typical characteristics of units which could be produced through the various forms of Residential Intensification, can be demonstrated.

Zoning Provisions

To permit rooming, boarding and lodging houses, and Accessory Apartments as-of-right where they are permitted uses in the official plan. Accessory units/apartments are defined as "self-contained apartments created through converting part of, or adding on to, existing homes (single detached, semi-detached, duplexes, triplexes, row houses, etc.). Rooming, boarding and lodging houses are not defined within the Housing Policy Statement.

Policies for New Residential Development

Policies and development standards should be adopted for New Residential Development so that alterations to create additional units in new building stock can take place in the future, as needs change within those communities, and in keeping with the principles and criteria stated above.

6.2 Municipal Concerns and Issues

Introduction

Municipalities must designate within their official plans each form of housing intensification which is permitted in designated zones which meet the three criteria stated above: adequacy of building stock, adequacy of supporting services, and demonstrated demand. This is interpreted to provide a "framework" to be used by municipalities in identifying sites which are appropriate for intensification. Some would argue that this framework is directive both in the process of implementing general official plan policies and when reviewing applications for site-specific amendments.[13]

The intention is to institute an approach which to some extent establishes a "reverse onus" - unless it can be demonstrated that a site or proposal for intensification cannot meet the stated criteria, there is a presumption that all necessary approvals will be forthcoming.[14]

Some municipalities have opted to permit as-of-right housing intensification everywhere and thereby deal with conversions on a case-by-case basis. The above interpretation would mean that the three criteria would be applied in the review of each application.

AMO recognizes the many benefits associated with housing intensification. It has been well documented that housing intensification has the potential to meet several policy objectives. Social objectives include the provision of affordable housing through lower per-unit costs and access to community services and amenities; economic objectives include lower infrastructure costs per new housing unit and more efficient use of existing services; and environmental objectives include the increased feasibility of public transit, reductions in automobile dependence and greater energy efficiency.[15] AMO and most municipalities do not dispute these values and their relevance in particular to large urban municipalities.

What municipalities are concerned about regarding housing intensification is the approach taken by the Province. In general, these concerns can be discussed under two categories: the appropriateness of the stated criteria for as-of-right housing intensification, and the regulation of various forms of housing intensification.

6.2.1 Criteria for As-of-Right Housing Intensification

Local Criteria

Arguments have been put forward that by permitting housing intensification within a framework of reverse onus does not mean that land use planning criteria have been "thrown out the window." Rather, it is inferred that the three criteria established in the Housing Policy Statement encompass the main requirements of "good planning" that have always been in operation.[16] To date, there have not been any decisions of the OMB which deal explicitly with the application of these criteria of the Housing Policy Statement to the evaluation of a housing intensification proposal.

The criteria do not include local criteria such as the compatibility of a proposal with the existing character of a neighbourhood. However, some municipalities believe that compatibility should continue to be used as a criterion in order to address concerns about the impacts of housing intensification on existing neighbourhoods.

Currently, many official plans contain policies on neighbourhood compatibility. For example, the City of Kingston's official plan states:

> As the City contains many neighbourhoods which, because of their particular character, lend variety and vitality to the City and a sense of identification on the part of the residents, it shall be the policy of Council to recognize the fundamental importance of the neighbourhood in the life of the City and to define and strengthen viable neighbourhoods by providing adequate neighbourhood facilities and by planning and controlling land uses which affect the character and definition of the neighbourhood such as major roads, pedestrian ways, commercial areas and adjoining uses of a different character.[17]

The City of Toronto has recommended in its Cityplan '91 Proposals Report an official plan policy which states:

> In order to fulfil its objective of maintaining the stability of existing

> neighbourhoods when approving new development, Council shall have regard for the following elements of neighbourhood structure and character .... scale of development with respect to the height and massing of buildings .... compatible relationship between buildings in the neighbourhood interiors and buildings along the neighbourhood edges..."[18]

Against the use of this criterion, it is argued that the objective of increasing residential densities in existing neighbourhoods obviously requires changes to the existing character of neighbourhoods, and therefore, this cannot be a criterion.

It can be argued that those municipalities which believe that other criteria for permitting housing intensification should be included, such as neighbourhood compatibility, do not categorically hold the position that change can never take place within an existing residential community. Rather, at issue are the criteria for determining as-of-right intensification. The criteria for change should be determined through a local consultative process and not be centrally established and applied uniformly across all communities.

The "NIMBY" (not-in-my-back-yard) factor is often cited as the reason for establishing provincial criteria. However, this obscures an equally fundamental issue, that the establishment of valid criteria (as opposed to "NIMBY" criteria) for not authorizing housing intensification, and thereby community change, should be determined through a local consultative process. The as-of-right or reverse onus principle, which utilizes provincially mandated criteria, virtually removes any possibility of locally determined criteria for change. Just as neighbourhoods have developed with varying local criteria within a broad planning framework, so should neighbourhoods be able to change in the same manner. To date, the Provincial Government has focused on centrally mandated criteria for change rather than establishing a planning framework and consultative process for determining the criteria for community change at the local level.

Another criticism has been that additional criteria will result in "watered down" municipal housing intensification policies resulting in the same system that is already in place (ie. varying municipal policies in

support/opposition to various forms of housing intensification). In the past AMO has supported the concept of residential intensification as an option for use at the discretion of municipalities. The following paragraph in particular is expressive of AMO's position with respect to residential intensification as an aspect of the Housing Policy Statement.

> AMO believes that those municipalities that wish to encourage intensification should revise their official plans and zoning by-laws to facilitate conversions to the degree and in such areas as municipalities believe appropriate. Conditions and specifications should be as specific and objective as possible in order to provide certainty. .... AMO believes that it must be left to each municipality to decide to what extent it wants to facilitate such (residential intensification) activity.[19]

Another municipal concern regarding the criteria for housing intensification is that the Ministry of Housing does not agree with the requirement that accessory units meet zoning requirements such as parking. Municipalities believe that "as-of-right" accessory apartments must also comply with other requirements of municipal zoning by-laws (e.g. parking). Exceptions to this must follow due process and go to Committee of Adjustments or then to the Ontario Municipal Board. This concern relates back to the broader issue of neighbourhood compatibility.

Recommendation 15

AMO recommends a housing intensification policy which requires that municipalities designate areas within their official plans where each form of Residential Intensification will be permitted. These uses should be permitted in areas which meet the stated provincial criteria and locally determined criteria for as-of-right conversions.

6.2.2 General Regulatory and Enforcement Issues

Introduction

Many municipalities have taken the approach that they will implement as-of-right zoning if the Province

provides the necessary legislative authority for municipal regulation of the various forms of housing intensification.

The requirement that municipalities establish housing intensification strategies has lead to a call from municipalities and the public for improved municipal enforcement of by-laws and codes as one means of addressing a wide range of problems associated with different forms of housing intensification.

These regulatory and enforcement issues have come forward in response to concerns about unsatisfactory housing conditions which could lead to substandard housing. It is believed that not addressing these through regulatory measures now could lead to additional costs later. Finally, part of the exercise of developing housing intensification policies involves trying to increase neighbourhood acceptance of these housing forms. In many cases, community acceptance would be increased if there were improvements in the regulation and enforcement of municipal by-laws and building code requirements.

One such call for increased municipal authority was made by the City of Scarborough Council in a resolution adopted on March 20, 1991. This resolution called on the Provincial Government to consider making numerous legislative amendments to various Acts to provide municipalities with additional authorities to regulate accessory (or "second") units. This resolution has been considered in the preparation of this report.

In an effort to discuss and debate these issues, the cities of Hamilton and Kitchener, with the support of the Ministry of Housing, organized a one-day session in October 1991 to initiate a process for achieving consensus about the nature of the problem and how it should be addressed. The intent of the session was to produce a collective municipal statement about municipal difficulties in achieving enforcement objectives. It was hoped that this will advance debate at the provincial level concerning legislative change for better enforcement. Preliminary assessments of the seminar were that enforcement improvements are limited. There is a need to address the roots of the problems, and combine improved enforcement with community development, mediation, improved communication, and land use policies which support on-going investments in the existing stock and recognize change in the community and its housing needs.

In addressing these enforcement issues below, AMO also hopes to contribute to advancing this debate and calls on the Province to make a commitment to a process for the resolution of these issues. AMO believes that municipalities need assistance in achieving enforcement objectives through either regulation or licensing authorities.

Right of Entry - Inspection

Many accessory units presently do not meet minimum building code or property by-law standards. Municipal right-of-entry is therefore necessary to ascertain use violations and ensure that these units are brought up to standards. Such rights are not provided in existing legislation. For some, the only matters which should warrant search and entry are those concerning health and safety as set out in the Building Code. There is some question as to the whether concerns extending beyond health and safety considerations (e.g. zoning violations) should be included.

AMO has in the past recommended providing zoning by-law inspectors, property standards inspectors, and building code inspectors with reasonable and effective rights of access to dwellings, for purposes of inspection and compliance with the Ontario Building Code and municipal by-laws without undue delay or expense.

Bill 112, *An Act to Revise the Building Code Act*, received first reading on May 28, 1991. In the Bill, section 15 specifies that:

> (1) An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of inspecting a building to determine:
>
> (a) whether the building is unsafe; or
>
> (b) whether an order made under subsection (3) (enforcement order) has been complied with.
>
> (2) A building is unsafe if the building is,
>
> (a) structurally inadequate or faulty for the purpose for which it used;

(b) in a condition that could be hazardous to the health or safety of persons in the normal use of the building, persons outside the building or persons whose access to the building has not been reasonably prevented; or

(c) in a condition that could result in damage to neighbouring buildings or land.

AMO believes that Bill 112 sufficiently increases powers of entry for health and safety reasons (building code infractions) but should be extended to include enforcement of municipal by-laws.

Recommendation 16

The *Planning Act* should be amended to provide municipal inspectors powers of entry to ensure compliance with municipal zoning and property standards by-laws as is provided under the proposed amendments to the Building Code (Bill 112).

Prohibition Orders

Property standards by-laws attempt to address some of the problems associated with poor property maintenance. However, cases are slow to get to court, often fines or other costs cannot be collected, or enforcement of prohibition orders requires extensive work and effort to take the case through the courts. The following enforcement changes are proposed to result in a more expeditious and cost-effective process for dealing with these issues.

Anyone contravening a municipal by-law is liable to a conviction; where a conviction is entered, an order may be made to prohibit the continuation or repetition of the offence by the persons convicted.

Currently, a provincial judge is the issuing judge of a prohibition order. To enforce such an order, an application must be made to a higher court, despite the fact that the order was issued by the provincial court. This results in additional time and costs and make the enforcement of the prohibition order impractical.

Therefore, it is recommended that court procedures be amended to permit a Prohibition Order to be enforced by the Court granting such an order. This would enable the issuing court to implement and carry through the order and effectively represents the streamlining of enforcement.

Recommendation 17

AMO recommends the amendment of Court Procedures to permit a Prohibition Order to be enforced by the Court granting such an order.

Municipal By-law Court

One cost-effective and expeditious way of dealing with by-law infractions could be the establishment of a Municipal By-Law Court. In making its recommendation, AMO believes there is a need to develop a judicial body with the expertise in issues related to municipal by-laws and enforcement.

Recommendation 18

AMO recommends that legislation be enacted to permit the creation of Municipal By-Law Courts to deal with all by-law infractions and Building Code violations.

Owner-Occupancy

Some municipalities have expressed concern with property maintenance standards in absentee-owner properties. Some have suggested that legislation be amended to prohibit absentee owners for houses with accessory units.

However, this would likely raise Charter of Rights and Freedom issues and the use of the planning system to regulate "users" as opposed to "uses". For example, in the case of *Oshawa v. Parker* (OMB file V 890262) the proposal was for housing intensification (increase in number of units from two to three) where none of the units was intended to be occupied by the owner. The opponents to the project argued about the neighbourhood impacts which arise from dwellings with absentee landlords. The Board decided that "there is nothing in the *Planning Act* or of the jurisdiction given

to this Board to require that the owner of the premises reside in it. For this Board to attempt to take away the right of the landlord to lease premises without also residing therein themselves, would be taking away a rather fundamental right governed by the Common Law and the *Landlord and Tenant Act* over which this Board has absolutely no jurisdiction."

As an alternative, it has been suggested that municipalities be permitted to pass by-laws licensing and regulating accessory units. The intent would not be to control or license occupancy, but rather to achieve other regulatory objectives such as property maintenance.

Recommendation 19

AMO recommends that the *Municipal Act* be amended to permit municipalities to pass by-laws for licensing and regulating accessory units.

Granny Flats

In AMO's response to the consultation paper, *A Housing Framework for Ontario*, the Association supported granny flats as a form of housing intensification subject to the resolution of regulatory issues related to this form of housing.

Granny flats are a special class of accessory units; they are temporary, freestanding units occupied by the elderly relatives of the homeowner. Regulatory issues which have arisen from this type of unit include how to assure their temporariness. Furthermore, some have argued that the process of renewing temporary use by-laws (currently a three-year limitation) is lengthy and costly, causes uncertainty, and may discourage the provision of these units.

AMO recommends the following amendments to address two main concerns: ensurance that units would be removed at the end of their intended use; and change to the current limitation period of temporary use by-laws.

Recommendation 20

AMO recommends amending Sections 38 (Temporary Use By-Laws) and 44 (Minor Variances) of the *Planning Act* to permit municipalities to enter into agreements with owners as a condition of permission granted under the authority of those Sections, and to provide that these agreements are able to be registered against the land to which they apply and enforceable against any and all subsequent owners of the land.

Landlord and Tenant Act

Arguments have been put forward in favour of providing owners in owner-occupied units with the ability to evict delinquent or disruptive tenants expeditiously. It is argued that grounds for eviction could include conditions based on the unique circumstances of owner-occupancy, and could be based on the requirements of due process under the *Landlord and Tenant Act*.

Some have argued that without such changes, owners are inhibited from providing accessory units because of anticipated difficulties in dealing with delinquent or disruptive tenants. While proper study of this has not occurred, some believe that changes such as simplified eviction procedures would encourage more accessory units. Therefore, if the provision of self-contained units is the objective, then this disincentive needs to be addressed.

There has been some question as to whether changing this legislation to facilitate the eviction of delinquent or destructive tenants may raise serious Charter of Rights and Freedom questions. However, the outcome of such a claim with respect to easing the eviction procedures for accessory apartment tenants would be uncertain and to date has not been tested in the courts.

There is also some concern that this would also curtail tenant rights and would therefore run counter to tenant protection legislation. The Minister of Municipal Affairs, in response to a resolution from the City of Scarborough, stated that he is not prepared to entertain amendments to legislation which would enable the arbitrary eviction of tenants.

However, AMO believes there is merit in further consideration of this issue, and that through the

establishment of clear criteria for eviction and due process, tenant rights can be protected.

Recommendation 21

AMO recommends that the Province introduce landlord and tenant legislation that recognizes the unique characteristics of owner-occupancy in order to provide a further incentive for homeowners to provide accessory units.

6.2.3 Financing Issues

Assessment/Taxes

Accessory units add value to a property and that added value should be recognized in the realty assessment on the house.

It has been argued that the anticipation of higher taxes resulting from assessment changes generated by residential conversion has an inhibiting effect on decisions to convert. However, there has been no study of the degree to which this is a real inhibiting factor. However, should this be the case, there are mechanisms for the Province to address this through provincial grants to owners or compensation to municipal revenues.

Under the *Assessment Act*, duplexes are assessed as separate units; accessory apartments should also be assessed as separate units.[20]

Recommendation 22

AMO recommends that accessory units be assessed for residential property taxes as separate units, in a similar way in which duplexes are assessed under the *Assessment Act*.

6.2.4 Regulation of Rooming, Boarding and Lodging Houses

Un-Related Persons By-Laws and Bill 128

Since 1986, several studies and reports have been commissioned by the Provincial Government to address the regulation of rooming, boarding and lodging houses (see Appendix B for background discussion). All of

these reports address regulatory issues from a comprehensive or framework perspective. The Provincial Government has never formally responded to the reports (or even released some them) but has acted on specific recommendations. One of these actions was the enactment of Section 34a under the *Planning Act, 1983* (Bill 128) which declared provisions in municipal zoning and interim control by-laws distinguishing between related and unrelated persons in respect to the occupancy of a building to be of no force or effect (see Appendix B for further discussion).

In 1988, AMO expressed strong support for the continued use of the definition of "family" within municipal by-laws, and disagreed with the argument that to regulate on the basis of related or unrelated occupants is a form of discrimination. AMO argued that various OMB and court cases have determined that the provisions of the *Planning Act, 1983* under sections 34 and 37 are not discriminatory.

Need for Legal Testing of Unrelated Persons By-Laws

AMO continues to believe that Section 34a of the *Planning Act, 1983* (Bill 128) should be repealed, thereby restoring the municipal authority to restrict the numbers of unrelated occupants which reside in one dwelling unit. If Section 34a is not repealed, then AMO believes there is sufficient evidence warranting the legal testing of the section to determine whether the regulation of occupancy on the basis of relationship is discriminatory (ie. contravenes the Charter of Rights and Freedoms).

AMO supports the City of London's request that the Province of Ontario place the following questions before the Court of Appeal on this matter:

> (1) Do municipal zoning by-laws that distinguish between persons who are related and persons who are unrelated infringe on Sections 2d and 15 of the Canadian Charter of Rights and Freedoms?
>
> (2) Does Section 34a of the Planning Act, 1983, as amended, infringe on Section 15(1) of the Canadian Charter of Rights and Freedoms in that Section 34a has the effect of discriminating against families and their members with respect to occupancy of residential premises, and if so does Section 15(2) of the Charter have application to Section 34a?[21]

Recommendation 23

AMO recommends that the Provincial Government either repeal Section 34a of the *Planning Act, 1983* (Bill 128) or refer Section 34a to the Court of Appeal.

6.2.5 After Bill 128: Municipal Approaches to Regulation

Municipal Responses to "Regulatory Vacuum" Created by Bill 128

The enactment of Bill 128 was also coincident with the passage of the Land Use Planning for Housing Policy Statement in July 1989. As stated above, the Housing Policy Statement requires municipalities "to permit rooming, boarding and lodging houses, and Accessory Apartments as-of-right where they are permitted uses in the official plan."

Enforcement issues have therefore become more paramount since the adoption of Bill 128. First, Bill 128 effectively created a "regulatory vacuum" and forced municipalities to "go back to the drawing board" to find a new regulatory system to address legitimate neighbourhood concerns. In particular, "university" municipalities have been forced to examine alternative regulatory mechanisms. Appendix C describes some of these initiatives.

For example, the cities of Guelph, Waterloo and London have each been proposing their own definitional changes to by-laws relating to rooming, boarding and lodging housing in order to replace existing definitions which rely on relationships between occupants.[22] These municipalities have put an emphasis on the licensing provisions under the *Municipal Act* to regulate a certain amount of the student housing stock. Each of the initiatives being taken by university municipalities have been in a state of on-going review and modification. The Ministry of Housing has appealed each of these by-laws to the OMB.

At the same time, the Provincial Government continues to commission studies on this issue, the most recent *The Control of Rooming, Boarding and Lodging Houses*, prepared by Pandy, Koltun Barristers and Solicitors, was completed in March 1991.[23] This report can be added to the earlier list of reports under the discussion of unrelated persons by-laws. Like the others,

this report addresses regulatory issues from a comprehensive perspective. And like the others, the Provincial Government has never formally released or responded to the report.

Concerns About Provincial Government's Approach

The Provincial Government effectively created a "regulatory vacuum" through the introduction of Bill 128 and has not shown a concerted effort to address the impacts of this legislation on the regulation of rooming, boarding and lodging houses, and in particular student housing. At the same time, it has passed the Housing Policy Statement which requires that municipalities "permit rooming, boarding and lodging houses, and Accessory Apartments as-of-right where they are permitted uses in the official plan." These two provincial actions have resulted in individual municipalities expending years of study and effort to address resulting regulatory and enforcement issues. In some cases, the Province has responded to these efforts in a confrontational manner as evidenced in the Ministry challenges to the OMB.

Furthermore, the Provincial Government has commissioned numerous studies, and in some cases implemented specific recommendations on regulatory change, in isolation of a comprehensive policy on the regulation of rooming, boarding and lodging houses. Municipalities have been left to deal with the impacts of this piecemeal approach.

With or without Bill 128, municipalities and the Provincial Government, and the public, would be better served by a cooperative approach to regulatory issues. AMO therefore calls on the Provincial Government to accept an obligation to address and finally resolve these issues in a comprehensive manner and in cooperation with municipalities.

Recommendation 24

AMO recommends that the Provincial Government work in cooperation with AMO and municipalities to resolve issues related to the licensing and regulation of rooming, boarding and lodging houses, and student housing.

Provincial Government Responsibility for Student Housing

AMO believes that in addition to its previous recommendations, some special attention needs to be given to the unique issues related to student housing. Part of the solution for student housing issues is that the Province provide legal and financial incentives for universities to provide student housing opportunities whether on/off campus.

Recommendation 25

AMO recommends that the Provincial Government work with "university" municipalities to address the regulation and funding of student housing, and the roles and responsibilities of Universities for student housing.

7 Monitoring

7.1 Policy Statement Requirements

The Housing Policy Statement places the following requirements on municipalities:

All municipalities shall monitor how the provisions of the Policy Statement are being achieved by:

Review Procedures

Adopt procedures to review adequacy of the supply of land at least every five years; the range of housing forms produced through New Residential Development and Residential Intensification annually; house prices for each housing form relative to income distribution for the Housing Region, annually; how targets for processing of land use planning applications are being achieved, every two years.

Report on Review

Preparing a report to be endorsed by council on the results of the review and updating planning documents and development approval procedures on the basis of the review

Official Plan Policy

Incorporating a policy in the official plan to outline municipal commitment to implement the monitoring provisions of the Policy Statement.

7.2 Municipal Concerns and Issues

7.2.1 Price of housing and incomes

The Provincial Government produces the document *Information Bulletin: Land Use Planning for Housing Policy Statement* which provides income and affordable housing price data. Data are provided for each decile of household incomes between the 20th and 60th percentiles for each "housing region". This is produced to assist municipalities in determining what house prices or rents would be "affordable" to households within the 60th income percentile. It is also produced to assist in the monitoring of affordable housing production.

Definition of Housing Region

Housing Regions are based on Statistics Canada geographic definitions. Housing Regions include numerous census categories (e.g. Census Divisions (CD), Census Agglomerations (CA), etc.). Through the combining of different census categories, municipalities are combined to establish a Housing Region.

In many cases, municipalities believe that these geographic boundaries include disparate areas and do not adequately represent regional or local housing markets. Many believe that a more detailed analysis of the appropriate boundaries for representing a Housing Region should be established and information should be tailored to these housing market areas.

Recommendation 26

AMO recommends that the Province undertake to re-evaluate the definition of "Housing Region" to more adequately reflect local housing markets.

Household Incomes

Household income data used are from the 1986 census of population (covering 1985 incomes). In order to translate these figures into 1991 values, an inflation factor of 1.34 is used based on the increase in the Conference Board's estimate of the Consumer Price Index for Ontario. These figures are again provided for Housing Regions as defined above.

Municipalities believe that this process of grossing up census figures does not adequately measure household incomes. What is needed is an income survey based on a properly structured sample stratified on the basis of redefined housing markets.

Recommendation 27

AMO recommends that the Province undertake to provide municipalities with more current and accurate household income data.

House Prices

An adequate source of house prices and rents is required. AMO understands that the Province is trying to reach agreement with CMHC offices to establish price information. This is another area in which municipalities require provincial assistance.

Recommendation 28

AMO recommends that the Province provide, or provide municipalities the means of collecting, house price and rent data.

8 Conclusions

AMO believes that the Housing Policy Statement should be revisited, in order to address the numerous concerns and issues confronting municipalities as they attempt to implement the requirements of the Statement. This report has elaborated on those issues which the Association believes should be addressed.

The Housing Policy Statement represents the Province's declaration of provincial interest in the land use planning process. It imposes specific requirements on municipalities such as an obligation to "streamline" their development approval processes. However, there is no corresponding obligation on the part of the Provincial Government to address its own approval processes or to address the problems and issues that arise in the implementation of the Policy Statement. AMO believes that the Provincial Government should

clearly establish the place it believes the Housing Policy Statement has within its own stated affordable housing policy objectives and proposed "housing framework" and should accept an obligation to address issues arising from the implementation of the Housing Policy Statement.

In proposing its recommendations, AMO has recognized that there is a great diversity of municipal housing circumstances in the province. Therefore, for some of the proposed amendments, AMO has suggested that these could be utilized at the discretion of individual municipalities.

Finally, in preparing this report, it is AMO's intention to ensure that the issues and recommendations are given full consideration by the Provincial Government. AMO therefore requests that the Provincial Government respond to the Association's report, *The Implementation of the Land Use Planning for Housing Policy Statement: Issues and Recommendations* by February 1992. This response would set out the Provincial Government's position on each of AMO's recommendations, and would form the basis for further discussion. Second, AMO recommends the establishment of a joint AMO, Ministry of Municipal Affairs and Ministry of Housing Committee to consider both the Ministries' and AMO's positions and develop potential solutions.

AMO has also requested that its member municipalities respond to the recommendations of this report as soon as possible and that their responses be sent to AMO and the Ministries of Housing and Municipal Affairs.

9 Summary of Recommendations

Recommendation 1

AMO believes that the Housing Policy Statement should be revisited, in order to address the numerous concerns and issues confronting municipalities as they attempt to implement the requirements of the Statement. Furthermore, a process for the periodic review of the Housing Policy Statement should be instituted to ensure that it remain responsive to changing conditions and the actual experience of implementing the Statement.

Recommendation 2

The Ministry of Municipal Affairs should work jointly with AMO to designate within the Housing Policy Statement the appropriate regional and local responsibilities and involvement in affordable housing.

Recommendation 3

AMO recommends that infrastructure financing issues arising from the Housing Policy Statement (the need for innovative municipal financing tools and provincial commitment to funding infrastructure requirements) be referred to the joint committee on infrastructure of the Ministries of Treasury, Municipal Affairs, and AMO.

Recommendation 4

Under the lead of the Ministry of Municipal Affairs, the Ministry of the Environment, Ministry of Municipal Affairs, and Ministry of Housing should cooperate in dealing with, and providing solutions for, the environmental constraints confronting the development of affordable housing in rural and unserviced areas. The objective should be to modify the Housing Policy Statement to address the unique problems and concerns of these areas.

Recommendation 5

AMO recommends that the Housing Policy Statement be amended to specify that the 10 year supply policy may apply regionally (or on an upper tier basis) as opposed to on a municipality by municipality basis.

Recommendation 6

AMO calls on the Provincial Government to establish a provincial obligation, parallel to the obligation placed on municipalities, to resolve conflicting demands that may impair the housing approval process within the provincial bureaucracy.

Recommendation 7	AMO recommends that specific deadlines, as proposed in the draft streamlining guidelines, be placed on the circulation of development applications amongst provincial ministries. If resourcing is a problem, then it is the responsibility of the review or approval agency to ensure there is adequate staffing to meet these guidelines.
Recommendation 8	AMO recommends that the Province support and encourage the use of OMB pre-conferences on a more regular basis.
Recommendation 9	AMO recommends a 60 day period be provided as the timeframe for concerns or appeals to be registered by the public to the OMB. Similarly, a 60 day period should also be provided for the Minister of Municipal Affairs to refer OPA's to the OMB, or advise the OMB of Provincial interest.
Recommendation 10	AMO recommends that appropriate legislation be enacted to permit municipalities permissive authority to utilize Affordable Housing Agreements as one means for municipalities to deal with matters such as price and rent, occupancy, etc., to ensure the delivery of affordable housing.
Recommendation 11	AMO recommends that municipal land trusts be explored as another possible mechanism to ensure the continued affordability of land and permanent control of its use for housing.
Recommendation 12	AMO recommends that the basis for establishing the definition of "affordable" housing needs to be revised in consultation with municipalities.
Recommendation 13	AMO recommends that appropriate legislation be enacted for the delegation to regional governments of the authority to determine and enforce the equitable distribution of affordable housing within its jurisdiction.
Recommendation 14	AMO recommends that accessory apartments, and rooming, boarding and lodging houses be included as part of the target for affordable housing.

Recommendation 15	AMO recommends a housing intensification policy which requires that municipalities designate areas within their official plans where each form of Residential Intensification will be permitted. These uses should be permitted in areas which meet the stated provincial criteria and locally determined criteria for as-of-right conversions.
Recommendation 16	The *Planning Act* should be amended to provide municipal inspectors powers of entry to ensure compliance with municipal zoning and property standards by-laws as is provided under the proposed amendments to the Building Code (Bill 112).
Recommendation 17	AMO recommends the amendment of Court Procedures to permit a Prohibition Order to be enforced by the Court granting such an order.
Recommendation 18	AMO recommends that legislation be enacted to permit the creation of Municipal By-Law Courts to deal with all by-law infractions and Building Code violations.
Recommendation 19	AMO recommends that the *Municipal Act* be amended to permit municipalities to pass by-laws for licensing and regulating accessory units.
Recommendation 20	AMO recommends amending Sections 38 (Temporary Use By-Laws) and 44 (Minor Variances) of the *Planning Act* to permit municipalities to enter into agreements with owners as a condition of permission granted under the authority of those Sections, and to provide that these agreements are able to be registered against the land to which they apply and enforceable against any and all subsequent owners of the land.
Recommendation 21	AMO recommends that the Province introduce landlord and tenant legislation that recognizes the unique characteristics of owner-occupancy in order to provide a further incentive for homeowners to provide accessory units.
Recommendation 22	AMO recommends that accessory units be assessed for residential property taxes as separate units, in a similar

way in which duplexes are assessed under the *Assessment Act*.

Recommendation 23

AMO recommends that the Provincial Government either repeal Section 34a of the *Planning Act, 1983* (Bill 128) or refer Section 34a to the Court of Appeal.

Recommendation 24

AMO recommends that the Provincial Government work in cooperation with AMO and municipalities to resolve issues related to the licensing and regulation of rooming, boarding and lodging houses, and student housing.

Recommendation 25

AMO recommends that the Provincial Government work with "university" municipalities to address the regulation and funding of student housing, and the roles and responsibilities of Universities for student housing.

Recommendation 26

AMO recommends that the Province undertake to re-evaluate the definition of "Housing Region" to more adequately reflect local housing markets.

Recommendation 27

AMO recommends that the Province undertake to provide municipalities with more current and accurate household income data.

Recommendation 28

AMO recommends that the Province provide, or provide municipalities the means of collecting, house price and rent data.

Appendix A - Examples of Ontario Municipal Board Cases

In *Assaly Corporation v. City of Ottawa* (OMB File No. M 890111), the Board's decision noted that the affordable housing to be provided would go a long way to alleviate some of the housing shortages in the City, and that while improvements could be made to the site plan (e.g. underground parking), this would only add to the cost of the units. The Board decision therefore indicated that substantially more stringent, and correspondingly more expensive, requirements could have been imposed if the proponent had been seeking approvals for units which could not be categorized as affordable. While the Board judged the site plan to be "generally compatible" with the surrounding neighbourhood, there was evidence of some adverse impact on neighbours.

In *Concorde Square v. City of North York* (1990)(24 OMBR 82) the Board stated that "the real question comes down to this: does the benefit of some affordable housing units outweigh the unprecedented density increases?" The Board's answer was yes and therefore approved the applicants site specific OPA for a density increase. While the Board's decision suggested that the impacts of the additional density would be minimal, and therefore planning principles were not thrown out to achieve affordability, it did rule that the mere fact that a proposed density increase is not consistent with prior practice can not be regarded as determinative of the appropriateness of additional density.

In *Daniels Lakeshore Corporation v. William Goursky et al* (1991)(OMB files C(01114 etc.), the Board decided that the "need for affordable housing and the urgency for its construction outweigh the concerns over phasing in this case."

In *City of Burlington v. Reemark Holdings Number 12 Inc. (File M 900064)*, confirmed the decision of *Assaly v. Ottawa* that decisions made with respect to site plan control are subject to the Housing Policy Statement and that density is the primary tool (not the only tool) for achieving affordability in accordance with the Housing Policy Statement.

Source: Evelyn Brown, Counsel, Housing Advocacy Branch, Ministry of Housing, *Up-Date on Affordable Housing Issues*, (April 15, 1991).

Appendix B - Un-Related Persons By-Laws and Bill 128

Background on Un-Related Persons By-Laws

In an effort to enhance, preserve and protect existing and future residential neighbourhoods, many municipalities in the past adopted provisions which limited to some extent, the degree of occupancy of residential premises. While municipalities have not traditionally attempted to place limits on the size of families which occupy residential units, many municipalities, in an attempt to establish reasonable occupancy limits, imposed restrictions on the numbers of unrelated occupants which could reside in one dwelling unit.

Many municipalities found that high levels of occupancy of residential units often have neighbourhood impacts which are deemed to be generally unacceptable to the enjoyment of the neighbourhood by others. Some municipalities therefore passed by-laws to place occupancy limits on residential units without impacting on "families". Such by-laws, which typically limited occupancy to five/four/three/two "unrelated persons", depending on the municipality, came to be known as "exclusionary by-laws".

Some lodging house licensing by-laws employed similar definitions based on the relationship between persons.[24] In municipalities with universities, these were effective in helping to control problems with student housing.[25]

Ontario Task Force on Roomers, Boarders and Lodgers

In April 1986, then Minister of Housing, Alvin Curling, established a Task Force on Roomers, Boarders and Lodgers. The final report of the Task Force was published in December 1986 under the title *A Place to Call Home: Housing Solutions for Low-Income Singles in Ontario*. Among other things, the report recommended province-wide licensing for lodging houses and the prohibiting of distinctions in municipal by-laws between related and unrelated persons. Similar recommendations were submitted to the Minister from the Advisory Committee on Roomers, Boarders and Lodgers (a special committee appointed by the Task Force).[26] Furthermore, the Ministry of Housing commissioned a discussion paper on *Regulatory Reform for Non-Standard Housing* in April 1987.[27] This paper proposed specific legislative changes necessary for establishing a regulatory framework for rooming, boarding and lodging houses.

All of these reports addressed regulatory issues from a comprehensive or framework perspective. The Provincial Government has never formally responded to the reports (or even released some them) but has acted on specific recommendations. One of these is the prohibiting of distinctions in municipal by-laws between related and unrelated persons.

Bill 128

In February 1989, the Provincial Government enacted amendments to the *Planning Act, 1983* under Bill 128. One of the amendments declared provisions in municipal zoning and interim control by-laws distinguishing between related and unrelated persons in respect to the occupancy of a building to be of no force or effect.

> 34a. - (1) The authority to pass by-laws under subsections 34(1) and 37(1) does not include the authority to pass by-laws that distinguish between persons who are related and persons who are unrelated in respect of the occupancy of a building or structure. (2) A provision in a by-law that distinguishes persons who are related and persons who are unrelated in respect of the occupancy of a building or structure ceases to have effect on the day this section comes into force."

These legislative changes were enacted by the Province in response to the view that such by-law provisions attempt to regulate "users" of property as opposed to "uses" of property and thereby represent inappropriate use of zoning by-laws as tools for the regulation of land use. There was also some question as to whether such by-laws could be challenged in the courts on the basis that they would be in contravention of the Human Rights Code.

AMO's Response to Bill 128

In response to Bill 128, AMO expressed strong support for the continued use of the definition of "family" within municipal by-laws as municipalities see fit, including the concept of "relationships". The Association disagreed with the statement that to regulate on the basis of related or unrelated occupants is a form of discrimination. AMO argued that various court cases determined after lengthy discussion that the provisions of the *Planning Act* under Sections 34 and 37 were not found to be discriminatory. For example, AMO cited

the case of *Smith vs. the Township of Tiny,* where the Supreme Court of Ontario ruled that a description of a particular type or group of persons "based on a definition of "family" which incorporates most types of arrangements usual for people living together or a single housekeeping unit, cannot be said to be unreasonable or discriminatory, or to constitute zoning based on the relationship of the occupants".

Prior to the enactment of Bill 128, the City of London passed amendments to its nine existing zoning by-laws which replaced the definition in those by-laws for "dwelling unit" and "family" with new definitions. These by-laws were appealed to the OMB in 1988. The decision of the OMB dismissed the appeals of the by-law:

> The *Smith* case held that a definition of "family" which incorporated most types of arrangements usual for people living together as a housekeeping unit, was not unreasonable or discriminating. The subject by-laws met the test in the *Smith* case and represented good planning in the circumstances.

The appellant, the Province of Ontario, sought leave to appeal the OMB decision to the Divisional Court. The appeal was denied. However, subsequent to the decision of the Divisional Court, Bill 128 was introduced, thereby invalidating the City of London's by-law amendments.

Appendix C - After Bill 128: Municipal Approaches to Regulation

The Example of "University" Municipalities

Neighbourhoods with large concentrations of student housing face unique concerns. Impacts of student housing are identified as including concerns about building design, physical appearance, building occupancy, occupant behaviour, and neighbourhood impacts.

Zoning by-laws, property standards by-laws, and noise by-laws attempt to address most of these issues. Previously, building occupancy (number of occupants) was regulated by limiting the number of unrelated persons, and neighbourhood impacts were addressed through official plan policies directed to neighbourhood preservation and compatibility.

Neighbourhood impacts have been described as including increased traffic and parking demands; increased numbers of investment properties and absentee landlords; and increases in the price of the housing stock thereby impacting affordability and reducing the potential to return a unit to its original form of occupancy. This latter issue is partly a result of the inability to regulate student housing where student housing forces house prices up to a level which families cannot afford.

In addressing this vacuum, many "university" municipalities have focused on student housing as a specific type of residential land use activity with particular land use characteristics which vary as the numbers of people, the number of dwelling units and the massing of the building increases. They are looking for appropriate land use approaches for permitting and regulating student housing as a specialized residential component of the housing stock.[28]

Licensing and Zoning By-Laws

The *Municipal Act* provides municipalities the authority to license and regulate certain uses and occupations. Municipalities are empowered to pass by-laws to license, regulate and govern certain uses and to establish criteria for the revocation of such licenses. At present the *Municipal Act* does not authorize municipalities to license student residences.

The inclusion of student housing as a type of rooming or boarding house is one option being pursued by some municipalities to address the regulatory vacuum

created by Bill 128. These municipalities want student housing to be treated as boarding/lodging/rooming housing although the style of living together of students is not the same. This definition would enable municipalities to license these residences and permit them only in designated locations.

Several "university" municipalities, namely the cities of Guelph, Waterloo and London have each been proposing their own definitional changes to by-laws relating to rooming, boarding and lodging housing in order to replace existing definitions which rely on relationships between occupants.[29] These municipalities have put an emphasis on the licensing provisions under the *Municipal Act* to regulate a certain amount of the student housing stock. Each of the initiatives being taken by university municipalities have been in a state of on-going review and modification.

The change in definition of lodging facilities being sought is from one which identifies family relationship to one which identifies lodgers as those who individually pay rent for a particular room and who share facilities, like a washroom or kitchen, with others. One of the concerns raised about the use of licensing provisions is that while the intent of the definitions are to control and license dwellings built or modified for roomers and boarders, they are sufficiently broad to potentially encompass a number of varied household arrangements not intended for licensing.

The cities of London and Guelph, and the Town of Ganonoque have proposed by-laws which have been appealed to the OMB by the Ministries of Housing and Municipal Affairs. A decision on the Guelph appeal is expected soon; dates for the other two appeals are yet to be established.

Provincial Studies

Some municipalities, such as the City of Waterloo, have drafted definitions along the same lines but are deferring final decisions pending the results of the Provincial review of controls for rooming, boarding and lodging houses. As part of this review, the Ministries commissioned a consultant study, *The Control of Rooming, Boarding and Lodging Houses*, prepared by Pandy, Koltun Barristers and Solicitors, was completed in March 1991.[30] The study was prepared to focus on legal matters, to look at approaches to control rooming boarding and lodging houses within the context of

existing legislation and suggest changes in the existing legislation to enable municipalities to better control these houses. To date no follow-up or action on the part of the Provincial Government has been taken on the recommendations of this study.

Appendix D - Acknowledgments

The Association of Municipalities of Ontario would like to express its appreciation to the Housing Task Force members who volunteered their time to develop this report.

AMO HOUSING TASK FORCE:

Robert Brown, Councillor, City of Waterloo

Marni Cappe, Manager, Housing Policy, Regional Municipality of Ottawa-Carleton

Terry Kingsmill, Housing Analyst, Department of Housing, Regional Municipality of Peel

James L. O'Brien, Director of Development Law, Legal Department, Regional Municipality of Ottawa-Carleton

Howard Moscoe, Councillor, Municipality of Metropolitan Toronto

John Robinson, Coordinator of Housing Loans, City of Hamilton

Vykki Silzer, Sr. Planner, City of Toronto Planning and Development Department

Bruce Curtis, Planner, Planning Division, City of London

Keith Ward, Director, Policy and Development, Peel Non-Profit Housing, Regional Municipality of Peel

Wendy Wright, Commissioner of Planning, City of Cambridge

AMO STAFF:

Evelyn S. Ruppert, Senior Policy Analyst

Endnotes

1. Ontario, Minister of Municipal Affairs, the Honourable Dave Cooke, correspondence to Association of Municipalities of Ontario (August 6, 1991); correspondence to City of Toronto Mayor Art Eggleton (September 4, 1991).

2. Evelyn Brown, Counsel, Housing Advocacy Branch, Ministry of Housing, *Land Use Planning for Housing Policy Statement: After the Deadline* (Unpublished paper, September 27, 1991).

3. Volker Maesmann, "Developing Municipal Services: Constraints and Opportunities", *Residential Land Development* (Mississauga: Insight Press, 1990).

4. Association of Municipalities of Ontario, *Response to the Draft Wetlands Policy Statement* (AMO Report 89-9), (Toronto: AMO, August 1989).

5. Comay Planning Consultants et. al., *Legislative, Administrative, and Policy Mechanisms for Affordable Housing*,(Toronto: Ontario Ministry of Housing and Ministry of Municipal Affairs, November 1990).

6. Ernie Hardeman, Warden, County of Oxford, correspondence to the honourable Dave Cooke, Ontario Minister of Municipal Affairs, (May 17, 1991).

7. Comay, *Legislative, Administrative, and Policy Mechanisms for Affordable Housing.*

8. Comay, *Legislative, Administrative, and Policy Mechanisms for Affordable Housing.*

9. Brown, *Up-Date on Affordable Housing Issues*.

10. Comay, *Legislative, Administrative, and Policy Mechanisms for Affordable Housing.*

11. Ibid.

12. Ibid.

13. Brown, *Land Use Planning for Housing Policy Statement: After the Deadline*.

14. Ibid.

15. Canadian Urban Institute, *Housing Intensification: Policies, Constraints, and Options*, (Toronto: CUI, Urban Focus Series 90-6, December 1990).

16. Brown, *Land Use Planning for Housing Policy Statement: After the Deadline*.

17. Official Plan for the City of Kingston Planning Area, Amendment No. 49, (October, 1987).

18. City of Toronto, Cityplan '91 Proposals Report, (1991).

19. Association of Municipalities of Ontario, *Response to the Draft Housing Policy Statement*, (Toronto: AMO, March 1989).

20. Reference: Government of Ontario, *Assessment Act*, Section 13(2).

21. Resolution and brief from the City of London, submitted on April 3, 1991 to the Large Urban Section of the Association of Municipalities of Ontario.

22. Ibid.

23. Pandy, Koltun Barristers and Solicitors, *The Control of Rooming, Boarding and Lodging Houses*, (Brampton, March 1991).

24. For example, City of Waterloo.

25. For example, City of Waterloo and City of Kingston.

26. Ontario, Advisory Committee on Roomers, Boarders and Lodgers, *Report to the Minister of Housing*, (March 20, 1987).

27. Comay Planning Consultants Ltd., *Discussion Paper on Regulatory Reform for Non-Standard Housing*, (Unpublished; prepared for the Housing Conservation Unit of the Ontario Ministry of Housing, April 1987).

28. City of Kingston, *Student Housing Review, Phase 1 Background and Concept Report*, (Kingston: City of Kingston Planning Department, June 1991).

29. Ibid.

30. Pandy, Koltun Barristers and Solicitors, *The Control of Rooming, Boarding and Lodging Houses*, (Brampton, March 1991).

PUBLICATIONS ISSUED IN THE "AMO REPORT" SERIES

88-1	Education Funding in Ontario
88-2	Preliminary Response to New Directions for Child Care
88-3	1988 Provincial Budget Submission
88-4	AMO Submission to Provincial Cabinet
88-5	AMO Response to the Report of the Advisory Committee on County Government: "Patterns for the Future"
88-6	Pressures on the Partnership: Response to the Provincial-Municipal Social Services Review Discussion Paper
88-7	AMO's Unconditional Grants Proposal for 1989
88-8	AMO's Response to "Rental Housing Protection Act: Future Directions"
88-9	Municipal Authority to Regulate Occupancy on the Basis of Relationship
88-10	AMO Response to Bill 170 - Aggregates Resources Act
88-11	AMO Position on "Controlling Industrial Discharges to Sewers"
88-12	AMO Response to "A Review of the Conservation Authorities Program"
88-13	AMO Response to Bill 174, The Intervenor Funding Project
89-1	AMO Brief to the Province of Ontario: 1989-90 Transfer Payment Announcement
89-2	AMO Response to "Financing Growth-related Capital Needs"
89-3	AMO Report on the Draft Housing Policy Statement
89-4	Property Tax: a Provincial Tax? AMO Presentation to the Standing Committee of Finance and Economic Affairs
89-5	"Salvaging the Partnership": 1989 AMO Submission to Provincial Cabinet
89-6	Response to "Transitions", The Report of the Social Assistance Review Committee
89-7	Review of Bill 20 - An Act to provide for the Payment of Development Charges
89-8	Response to "County Government in Ontario"
89-9	Response to Draft Wetlands Planning Policy Statement
•	AMO Waste Management Study: The Waste Management Planning and Approvals Process ($15)
•	AMO Waste Management Study: The Municipal Waste Abatement Strategy
•	AMO Waste Management Crisis: A Shared Responsibility Brief to Provincial/Municipal Policy Forum
90-1	"A New Decade - A New Partnership"
90-2	Bill 107: The Police Services Act
90-3	"New Dimensions": Report of AMO Conditional Grants Review ($25)
90-4	"Reforming the Partnership": AMO Submission to Provincial Cabinet
90-5	AMO Response to the Proposal: "Towards New Heritage Legislation for Ontario"
90-6	Roles and Responsibilities: AMO's Response to the Report of the Provincial-Municipal Social Services Review ($15)
90-7	Long-Term Care Reform: AMO's Response to Strategies for Change - Comprehensive Reform of Ontario's Long-Term Care Services
90-8	Brief to the Interministerial Policy Forum: AMO's Responses to the Report of the Provincial-Municipal Social Services Review and Strategies for Change: Comprehensive Reform of Ontario's Long-Term Care Services

•	AMO Waste Management Study: Municipal Solid Waste Management - Whose Problem Is It? ($15)
•	AMO Financial Survey - Descriptive Report: Impact of Provincial and Federal Policies on 1989 and 1990 Municipal Budgets
91-1	AMO Pre-Budget Consultation Brief: "Towards Reform of Provincial-Municipal Finance"
91-2	AMO Response to: "Toward Improving the Environmental Assessment Program in Ontario"
91-3	AMO's Response to the 1991 Federal Budget
91-4	AMO's Response to "Back on Track, First Report of the Advisory Group on New Social Assistance Legislation"
91-5	AMO's Response to "Rent Control: Issues and Options"
91-6	Accountability and Special Purpose Bodies: The Example of District Health Councils
91-7	AMO Response to: "Extending Pay Equity By Proportional Value and Proxy Comparison"
91-8	AMO's Response to The Ministry of Environment Discussion Paper: Towards A Sustainable Waste Management System
91-9	AMO's Response to The Waste Section of the Ontario Round Table on Environment and Economy: Challenge Paper
91-10	AMO's Response to The Recycling Council of Ontario Discussion Paper: Who Should Pay for Recycling?
91-11	AMO's Policy Position on Reduction and Reuse
91-12	AMO's Response to the 1991 Ontario Budget
91-13	AMO's Response to "A Housing Framework for Ontario"
91-14	AMO's Response to "Government Land for Housing"
91-15	AMO's Response to "The Report of the Advisory Committee to the Minister of Municipal Affairs on the Provincial-Municipal Financial Relationship, 1991" (The Hopcroft Report)
91-16	AMO's Policy Position on: Scrap Tire Management and the Ontario Tire Tax
91-17	"Disentangling the Provincial-Municipal Relationship": 1991 AMO Submission to the Provincial Cabinet
91-18	AMO's Response to the 1991 Draft Wetlands Policy Statement
91-19	Implementation of the Land Use Planning for Housing Policy Statement: Issues and Recommendations ($15)
91-20	AMO's Response to the Reports of the Premier's Council on Health Strategy

Copies of all of the reports in this series are available, prepaid, at $10.00 each (except where otherwise noted) for postage and handling. Please send cheques, payable to the Association of Municipalities of Ontario, to Association of Municipalities of Ontario, 250 Bloor Street East, Suite 701, Toronto, Ontario M4W 1E6.